

**Meeting Minutes  
Hightstown Borough Council  
Business Meeting  
July 18, 2016  
6:30 p.m.**

The meeting was called to order by Mayor Quattrone at 6:34 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: Margaret Riggio, Deputy Borough Clerk; Henry Underhill, Borough Administrator; Fred Raffetto, Borough Attorney; Tamara Lee, Borough Planner; Carmela Roberts, Borough Engineer; Chris Otteau, Real Estate Appraiser; Ed McManimon, Special Counsel for Redevelopment.

**EXECUTIVE SESSION**

**Resolution 2016-144 Authorizing a Meeting that Excludes the Public**

Councilmember Stults moved Resolution 2016-144; Council President Hansen seconded.

Roll Call Vote: Councilmembers Bluth, Hansen, Kurs, Misiura, Montferrat and Stults voted yes.

Resolution adopted 6-0.

Resolution 2016-144  
*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 July 18, 2016 at 6:30 p.m. at the Hightstown Engine Co. #1 Fire House Hall located at 140 North Main 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 – RBG Hightstown LLC (The Mills at Hightstown)

## COAH – Purchase of Credits

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: October 18, 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 7:31 p.m. and again read the Open Public Meetings Statement. George Lang, CFO arrived at this time and is now present.

The Flag Salute followed roll call.

### **APPROVAL OF AGENDA**

Councilmember Montferrat moved the Agenda; Councilmember Stults seconded.

Roll Call Vote: Councilmembers Bluth, Hansen, Kurs, Misiura, Montferrat and Stults voted yes.

Agenda approved 6-0.

### **APPROVAL OF MINUTES**

Council President Hansen moved the June 6, 2016 Executive Session minutes for approval, Councilmember Montferrat seconded.

Roll Call Vote: Councilmembers Bluth, Hansen, Kurs, Misiura, Montferrat and Stults voted yes.

Minutes approved 6-0.

Councilmember Misiura moved the June 6, 2016 Workshop Session minutes for approval; Councilmember Montferrat seconded.

Roll Call Vote: Councilmembers Bluth, Hansen, Kurs, Misiura, Montferrat and Stults voted yes.

Minutes approved 6-0.

Council President Hansen moved the June 20, 2016 Executive Session minutes for approval; Councilmember Stults seconded.

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

Minutes approved 5-0 with one abstention.

Councilmember Kurs moved the June 20, 2016 Executive Session minutes for approval; Council President Hansen seconded.

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

Minutes approved 5-0 with one abstention.

Council President Hansen moved the June 27, 2016 Executive Session minutes for approval; Councilmember Montferrat seconded.

Roll Call Vote: Councilmembers Bluth, Hansen, Kurs, Misiura, Montferrat and Stults voted yes.

Minutes approved 6-0.

Council President Hansen moved the June 27, 2016 Special Meeting minutes for approval; Councilmember Montferrat seconded.

Roll Call Vote: Councilmembers Bluth, Hansen, Kurs, Misiura, Montferrat and Stults voted yes.

Minutes approved 6-0.

### **ENGINEERING ITEMS**

**Walking Bridge** – Borough Engineer, Carmela Roberts, updated Council on the Walking Bridge. She informed Council that she and the Mayor had a meeting with DOT and they have since provided her with a letter listing items of concern. Some are archeological issues. We are still in the process of receiving authorization to advertise for the federally funded grant. She believes that this process will still take about one year.

The DOT's major concerns are:

- Section 106 National Historic Preservation Act 1966 – DOT has concerns regarding Sanborn Maps (Fire Insurance Maps) that indicate one of the buildings contained asbestos. The asbestos has the DOT concerned. They are investigating this. There was a fire in that same area 100 years ago and then there was a flood. They are trying to ascertain if the fire was cleaned up properly or if the flood buried what was under the fire. They have asked the Borough to provide whatever information we have.
  - Our HPC does not have any information regarding the building, the fire or the flood. Cappy Stults, Borough Historian, did not have any information. He does have maps from 1895, 1920, 1950, none of them indicate anything about asbestos.
  - About one year ago, the DOT commissioned a study of the area by Grubb Associates, a privately owned archeological company. Although they have provided information to the DOT they did not answer any of the questions the DOT has.
- Another permit may be required. We have one permit in hand. It was obtain by Lippincott Engineering for installation of the new footbridge. It was understood at the time that the permit from Dam Safety provided to the Borough covers the project. At this time the DOT believes that there may be another permit required by DEP for the sidewalks connected to the bridge, which were part of the plans and application submitted to Dam Safety. We are speaking with Dam Safety and DEP to see what actually needs to be done at this point.
  - The Permit from Dam Safety has been extended until December 2016. The archeological representative from DOT suggested that we request another year extension to the permit.
- Confirmation of Public Outreach related to this project.
  - We have a world of information on the Borough's website regarding meetings that were had and discussions from Council and when the volunteer group met, so we can provide that information to them.
- DOT will contact us to have another meeting in the Borough so we can continue to go over what is needed. She is waiting to hear back from DOT for a meeting date.

**Resolution 2016-145 Awarding a Contract for Engineering Inspection Services for The Peddie Lake Dam Walking Bridge Replacement Project**

Ms. Roberts explained that when using federal funds for a project, you cannot use the same engineer to do the design and inspection of a project. The Borough requested proposals from the pool of engineers that we have. DOT requires that the engineering inspection services be in place before we are authorized to advertise the bid. This contract will not be paid until after bids are received and work has started. Ms. Roberts also stated that DOT suggested that the Borough requests reimbursement for inspection services for this project.

Councilmember Montferrat moved Resolution 2016-145; Councilmember Misiura seconded.

Discussion ensued. There were questions regarding what the grant covers for this project and how much money was raised from donations. If more permits and archeological changes are needed what will the additional costs be? Ms. Roberts will put together figures so show where we are and where we are going.

Roll Call Vote: Councilmembers Bluth, Hansen, Kurs, Misiura, Montferrat and Stults voted yes.

Resolution adopted 6-0.

Resolution 2016-144  
*BOROUGH OF HIGHTSTOWN  
COUNTY OF MERCER  
STATE OF NEW JERSEY*

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COAH – Purchase of Credits

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**PUBLIC COMMENT**

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

**Eugene Sarafin, 628 South Main Street** – Stated that this was a comedy tonight regarding the bridge update. Congratulated Council on the Redevelopment Agreement and said that he thought it was a beautiful thing. Spoke about the Flag Salute and how it is a big lie, this has never been a nation with liberty and justice for all. In regards to an ordinance regarding filming in the Borough, will this include photographs; who will enforce this?

**Scott Caster, 12 Clover Lane** – Spoke regarding the discussion of the Filming on Public Property. According to the sample ordinance, the filming of Council meetings would be illegal; photographers filming for weddings would be illegal. He has been in court for the same style ordinance and the judge dismissed the charges because it was just inappropriately written. Please take this into consideration when you discuss this ordinance.

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

## **ORDINANCES**

### **2016-15 Final Reading – An Ordinance Amending and Supplementing Chapter 4, Entitled “General Licensing” of the “Revised General Ordinances of the Borough of Hightstown, New Jersey” Regarding the Licensing of Retail Businesses**

The Public Hearing took place on June 20, 2016. At that time, Council voted to table the ordinance. There was discussion regarding Council’s concerns over the ordinance written has is.

Councilmember Kurs moved for the ordinances defeat. Councilmember Bluth seconded.

Borough Attorney, Fred Raffetto, clarified to Council that in this instance, a yes vote would be voting to DEFEAT the ordinance.

Roll Call Vote: Councilmembers Bluth, Hansen, Kurs, Misiura, Montferrat and Stults voted yes.

Ordinance defeated 6-0.

## **ORDINANCE 2016-15**

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

### **AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 4, ENTITLED “GENERAL LICENSING” OF THE “REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN, NEW JERSEY” REGARDING THE LICENSING OF RETAIL BUSINESSES**

**WHEREAS**, the Mayor and Council of Hightstown Borough wish to make certain revisions to the Borough Code relating to business licenses within the Borough limits; and

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

Section 1. Chapter 4 “General Licensing”, Sections 4-1 entitled “License Regulations”, 4-3 entitled “Solicitors and Canvassers”, and 4-11 entitled “Retail Establishments” are hereby amended as follows (underline for additions, strikethroughs for deletions):

## **Chapter 4**

### **GENERAL LICENSING**

#### **Sections:**

- 4-0A Article I. Business Licensing**
- 4-1 LICENSE REGULATIONS**
- 4-2 PEDDLERS\***
- 4-3 SOLICITORS AND CANVASSERS\***
- 4-4 CHARITABLE SOLICITATIONS\***
- 4-5 MOVIE THEATERS\***
- 4-6 POOL HALLS, BILLIARDS PARLORS AND BOWLING ALLEYS\***
- 4-7 AMUSEMENT MACHINES\***
- 4-8 AUTOMATIC VENDING MACHINES; COIN-OPERATED MACHINES\***
- 4-9 BANKRUPTCY SALES; GOING OUT-OF-BUSINESS SALES; FIRE SALES\***
- 4-10 AUCTIONS; BINGOS; RAFFLES; CIRCUSES; EXHIBITIONS\***
- 4-11 RETAIL FOOD ESTABLISHMENTS\***
- 4-12 RETAIL ESTABLISHMENTS\***
- 4-13 RESERVED**
- 4-14 RESERVED**
- 4-15 RESERVED**
- 4-15A Article II. Newspapers, Publications and Periodicals**
- 4-16 DELIVERY OF UNSUBSCRIBED AND UNSOLICITED PUBLICATIONS**
- 4-17 RESERVED**
- 4-18 RESERVED**
- 4-19 RESERVED**
- 4-20 RESERVED**
- 4-20A Article III. Taxicabs**
- 4-21 TAXICAB LICENSING**
- 4-22 CONTRACTORS LICENSES**

#### **Section 4-1**

### **LICENSE REGULATIONS**

#### **Subsections:**

- 4-1.1 Purpose.**
  - 4-1.2 Application.**
  - 4-1.3 Investigation of Applicant; Appeals to Borough Council.**
  - 4-1.4 Fee Schedule.**
  - 4-1.5 Contents of License.**
  - 4-1.6 License Record to be Kept.**
  - 4-1.7 Display of License.**
  - 4-1.8 Transferability.**
  - 4-1.9 Expiration; Renewal.**
  - 4-1.10 Revocation of License.**
  - 4-1.11 Notice of Hearing.**
  - 4-1.12 Hearing.**
  - 4-1.13 Reinstatement of Revoked or Denied Licenses.**
  - 4-1.14 Promulgation of Rules and Regulations.**
  - 4-1.15 Violation and Penalties.**
- 
- 4-1.1 Purpose.**

The purpose of this section is to provide a uniform set of procedures for administering the issuance, renewal and revocation of all licenses issued by the Borough, except alcoholic beverage licenses, dog licenses and taxicab licenses. (1991 Code § 133-1)

#### **4-1.2 Application.**

a. All applications for licenses shall be accompanied by the required fee and shall be made to or through the Borough Clerk on forms provided by him/her. The forms shall be completed with the following information:

1. The name and permanent and local address of the applicant; if the applicant is a corporation, the name and address of its registered agent.

2. If the licensed activity is to be carried on at a fixed location, the address and description of the premises.

3. If the premises is not owned by the applicant, the owner of said premises and their contact information.

4. If a vehicle is to be used, its description, including the license number.

5. If the applicant is employed by another, the name and address of the employer, together with credentials establishing the exact relationship.

6. The days of the week and the hours of the day during which the licensed activity will be conducted.

7. A description of the nature of the business and the goods, property or services to be sold or supplied.

7. A statement as to whether the applicant has been convicted of any crime or the violation of any municipal ordinance other than a traffic offense and, if so, the date and place of conviction, the nature of the offense and the penalty imposed.

8. Statement that applicant is not violating the zoning ordinance of the Borough of Hightstown. If applicant occupies a nonconforming use, proof of date of occupancy and operation must be given.

9. Statement that applicant is not in default under the provisions of this chapter or indebted or obligated in any manner to the Borough of Hightstown, except for current taxes, both real and personal.

10. The statement of information required under this subsection shall be verified under oath, containing the signature of the applicant or agent, each of whom shall be equally responsible for the truthfulness and accuracy of the information set forth in the statement.

11. Appropriate evidence as to the good character and business responsibility of the applicant so that an investigator may properly evaluate his character and responsibility.

b. Applications by partnerships shall be signed by all partners, with the information required by this section supplied in detail as to each partner, and applications of corporations shall have attached individual statements containing all the information required by this subsection relating to each employee or agent who shall engage in the licensed activity and shall be signed by each employee or agent. (1991 Code § 133-2)

#### **4-1.3 Investigation of Applicant; Appeals to Borough Council.**

Each application shall be referred to the Chief of Police or a Police Officer designated by him, who shall immediately institute whatever investigation of the applicant's business responsibility, moral character and ability to properly conduct the licensed activity he considers necessary for the protection of the public. He shall communicate his findings, in writing, to the Borough Clerk within a reasonable time after the application has been filed. If the investigator decides that the applicant's character, ability or business responsibility is unsatisfactory or the products, services or activity are not free from fraud, he shall disapprove the application, and the Clerk shall refuse to issue the license and notify the applicant. Otherwise, the Borough Clerk shall issue the license immediately, provided that the

required license fees have been paid, except in cases where approval of the Mayor and Council is required. In the case of an application for a solicitor's, peddler's or canvasser's license, the license may be issued immediately subject to investigation. In the event of the refusal of the issuance of the license, the applicant may appeal to the Council for a hearing. The appeal shall be filed, in writing, with the Borough Clerk within fourteen (14) days after notification of the refusal. The Council shall hold its hearing within ten (10) days thereafter, and its decision shall be final. (1991 Code § 133-3)

#### **4-1.4 Fee Schedule.**

- a. Fees shall be as follows:

<b><u>License</u></b>	<b><u>Fee</u></b>
Peddlers, hawkers and vendors	\$75.00 per year
Solicitors and canvassers	\$75.00 per month
Charitable solicitations	No fee
Movie theatres	\$50.00 per year
Pool and billiard parlors	\$50.00 per year
Coin-operated vending machines (in coin-operated laundries):	
Automatic washers	\$10.00 per machine per year
Dryers	\$10.00 per machine per year
Coin changers	\$10.00 per machine per year
Soap-dispensing machines	\$10.00 per machine per year
Automatic vending machines:	
Vending merchandise or service of any description (Non-food)	\$40.00 per machine per year
Amusement, skill and video machines	\$100.00 per machine per year
Weighing scales	\$30.00 per machine per year
Coin-operated phonographs	\$75.00 per machine per year
Coin-operated reproducing machines	\$60.00 per machine per year
Going-out-of-business sales	\$150.00 per sale
Circuses and traveling shows	\$100.00 per day
Auctions	\$100.00 per day



Boardinghouses, and rooming units*	rooming	houses
1 to 3 boarders or roomers	\$5.00 per boarder or roomer per year	
4 or more boarders or roomers	\$3.00 per boarder or roomer per year	
Retail Businesses (sale of goods or services)	\$100.00 per year	

b. Fees shall be paid on an annual basis. However, in the event of a partial year of operation, the payment due shall be prorated to provide that one-fourth of the fee shall be paid for each quarter or partial quarter of operation.

c. All annual license holders shall register and pay the applicable fee no later than March 1, or a late fee of \$100.00 will be assessed and due with the payment.

d. Fees listed in Section 4-1.4 shall be waived for any organization qualified as nonprofit under Section 501(c)(3) of the Internal Revenue Code. (1991 Code § 133-4; Ord. No. 860 § 2; New; Ord. No. 1999-01 § 2; Ord. 2000-15, Amended, 07/21/2000; Ord. 2008-09)

e. No rebate or refund of any license fee or any part thereof shall be made by reason of retirement of licensee from business or by reason of the nonuse of such license for all or any portion of the licensed year, or by reason of a change of location or business or by reason of fire or other accident or other casualty rendering the use of such license ineffective

\* **Editor's Note:** For additional license application information and regulations, see Chapter XIII, Section 13-10.

#### **4-1.5 Contents of License.**

Licenses shall be in a form which the Council prescribes by resolution and shall contain the following information:

- a. The name and address of the licensee.
- b. The number and type of the license and nature of the licensed activity.
- c. The address at which the licensed activity is conducted, if the activity is carried on at a fixed location.
- d. If the licensed activity is conducted from a vehicle, the make, model and license number of the vehicle.
- e. The expiration date of the license.
- f. Any other appropriate information which the Mayor and Council may require by resolution. (1991 Code § 133-5)

#### **4-1.6 License Record to be Kept.**

The Borough Clerk shall keep a record of all licenses issued under this section. The record shall be in a form prescribed by resolution of the Council and shall contain the same information as is required by subsection 4-1.5 to be contained in the license. It shall also indicate the amount of the fee paid for the license, the date upon which payment was received, the date of the issuance of the license, whether the license is a new license or a renewal and any other information which the Mayor and Council may require by resolution. (1991 Code § 133-6)

#### **4-1.7 Display of License.**

When the licensed activity is conducted at a fixed location or from a vehicle, the license shall be prominently displayed at the location or on the vehicle. In all other cases, the licensee shall have the license in his possession at all times and shall display it upon the request of any police officer or any person with whom he is doing business. (1991 Code § 133-7)

#### **4-1.8 Transferability.**

Except as otherwise provided, a license shall apply only to the person to whom it was issued and shall not be transferable to another person. Licenses may be transferred from place to place in cases where the licensed activity is conducted at a fixed location, but only with the approval of the Council by resolution. The general fee for the transfer of a license from place to place shall be five (\$10.00) dollars. (1991 Code § 133-8)

#### **4-1.9 Expiration; Renewal.**

Except where expressly provided otherwise, all licenses shall expire on December 31 of the year of issue at 12:00 midnight. Applications for the renewal of licenses shall be made not later than December 1 of the year of issue. (1991 Code § 133-9)

#### **4-1.10 Revocation of License.**

a. Any license or permit issued by the Borough may be revoked by the Council after notice and a hearing for any of the following causes:

1. Fraud or misrepresentation in any application for a permit or license.
2. Fraud, misrepresentation or other dishonesty in the conduct of the licensed activity.
3. A violation of any provision of this Code.
4. Conviction of the licensee for any crime or offense involving moral turpitude.

5. Conduct of the licensed activity, whether by the licensee himself or his agents or employees, in an unlawful manner or in a manner that constitutes a breach of the peace or a menace to the public health, safety or general welfare.

6 Failure to permit access to the licensed premises at all reasonable times by the borough licensing officer.

b. Whenever a license is issued immediately upon an application, pending the results of the investigation provided for by this section, such license may be summarily revoked if the result of the investigation is such as would have resulted in denial of the application. (1991 Code § 133-10; Ord. No. 860 § 2)

#### **4-1.11 Notice of Hearing.**

Notice of a hearing for the revocation of a license or permit shall be given, in writing, by the Borough Clerk. The notice shall specifically set forth the grounds upon which the proposed revocation is based and the time and place of the hearing. It shall be served by mailing a copy to the licensee at his last known address by certified mail, return receipt requested, at least five (5) days prior to the date set for the hearing. (1991 Code § 133-11)

#### **4-1.12 Hearing.**

At the hearing the licensee shall have the right to appear and be heard, to be represented by an attorney, to present witnesses in his own behalf, to cross-examine opposing witnesses and to have a permanent record made of the proceedings at his own expense. The Council shall revoke or suspend the license if it is satisfied by a preponderance of the evidence that the licensee is guilty of the acts charged. (1991 Code § 133-12)

#### **4-1.13 Reinstatement of Revoked or Denied Licenses.**

The Council may issue another license to a person whose license has been revoked or denied as provided in this section if, after a hearing, it is satisfied by clear and convincing evidence that the acts which led to the revocation or denial will not occur again; otherwise, no person whose license has been revoked or denied nor any person acting for him, directly or indirectly, shall be issued another license to carry on the same activity. (1991 Code § 133-13)

#### **4-1.14 Promulgation of Rules and Regulations.**

The Council may, by resolution, make rules and regulations which interpret or amplify any provisions of this section or for the purpose of administering the provisions of this section or making them more effective. No regulation shall be inconsistent with or alter or amend any provision of this section, and no regulation shall impose any requirement which is in addition to or greater than the requirements that are expressly or by implication imposed by any provision of this section. (1991 Code § 133-14)

#### **4-1.15 Violation and Penalties.**

Any person convicted by the Municipal Court of the Borough of Hightstown for a violation of the provision of this section shall be subject to a fine of not more than one hundred (\$100.00) dollars or imprisonment for a term not to exceed ninety (90) days, or both. Each day that a violation of the provisions of this section continues shall be considered as a separate offense. (1991 Code § 133-15; Ord. No. 860 § 2)

### **Section 4-3**

#### **SOLICITORS AND CANVASSERS\***

##### **Subsections:**

- 4-3.1 Definitions.**
- 4-3.2 License Required.**
- 4-3.3 Exceptions.**
- 4-3.4 Application.**
- 4-3.5 Licenses.**
- 4-3.6 Hours and Days of Activities.**

\* *Editor's Note: For additional licensing regulations and fees, see Section 4-1.*

#### **4-3.1 Definitions.**

As used in this section:

“Solicitor” shall mean a person, also known as a "canvasser," whether resident of the Borough or not, traveling either by foot, wagon, automobile, motor truck or any other type of conveyance from place to place, from house to house or from street to street, taking or attempting to take orders for sale of goods, wares and merchandise, personal property of any nature whatsoever for future delivery or for services to be furnished or performed in the future, whether or not the individual has, carries or exposes for sale a sample of the subject of the sale, with or without accepting in advance payment for the goods. The term "solicitor" shall also include any person who may be taking a poll or survey from house to house or on the streets or distributing advertisements or handbills. (1991 Code § 117-8)

#### **4-3.2 License Required.**

It shall be unlawful for any solicitor or canvasser to engage in such business within the Borough without first obtaining a license. (1991 Code § 117-9)

#### **4-3.3 Exceptions.**

This section shall not apply to any of the following persons:

- a. A person who has obtained a charitable solicitor's permit in accordance with Section 4-4.
- b. Any person distributing literature or handbills on behalf of a candidate for public office.
- c. Any veteran or volunteer fireman who holds a special license issued pursuant to N.J.S. 45:24-9. (1991 Code § 117-10)

#### **4-3.4 Application.**

In addition to the information required by subsection 4-1.2, the application for a solicitor's license shall indicate the place where the goods or property proposed to be sold, or orders taken for the sale thereof, are manufactured or produced, where such goods or products are located at the time the application is filed and the proposed method of delivery. (1991 Code § 117-11)

#### **4-3.5 Licenses.**

The Borough Clerk shall issue to each licensee a license on which shall appear the words " Solicitor License," the period for which the license is issued and the number of the license. During the time such licensee is engaged in soliciting, the license shall be carried with the Solicitor and presented upon request to any Police Officer or perspective customer. (1991 Code § 117-12)

#### **4-3.6 Hours and Days of Activities.**

No soliciting or canvassing activities shall be conducted before 9:00 a.m. or later than 7:00 p.m., nor on holidays. (1991 Code § 117-13; Ord. No. 1998-2 § 1)

### **Section 4-11**

#### **RETAIL FOOD ESTABLISHMENTS\***

##### **Subsections:**

##### **4-11.1 License Required.**

##### **4-11.2 Investigation of Applicant.**

##### **4-11.3 Suspension or Revocation of License.**

\* *Editor's Note: For additional licensing regulations and fees, see Section 4-1.*

##### **4-11.1 License Required.**

No person shall operate a retail food establishment as defined in the Retail Food Establishment Code of New Jersey, 1965, without having first obtained a license from the Borough and paid the required license fee pursuant to Chapter BH:IV of the Hightstown Borough Board of Health Code. (1991 Code § 105-1)

##### **4-11.2 Investigation of Applicant.**

In addition to the requirements contained in Section 4-1, each application for a license under this section shall be investigated by the Borough Health Officer, who shall report his findings, in writing, to the Mayor and Council within a reasonable time. No license shall be issued unless the Health Officer reports that the applicant conforms to all provisions of the Retail Food Establishment Code. (1991 Code § 105-2)

#### **4-11.3 Suspension or Revocation of License.**

In addition to the grounds for revocation set forth in subsection 4-1.10, a license issued under this section may be suspended or revoked for failure to comply with any provision of the Retail Food Establishment Code. (1991 Code § 105-3)

Section 2. A new section 4-12 entitled “Retail Establishments” shall be added as follows:

#### **Section 4-12**

#### **RETAIL ESTABLISHMENTS\***

##### **Subsections:**

##### **4-12.1 Definitions.**

##### **4-12.2 License Required.**

##### **4-12.3 Exceptions.**

##### **4-12.4 Additional Application Requirements.**

##### **4-12.1 Definitions.**

As used in this section “Retail Establishment” shall mean any business engaging in:

- a. Selling of any goods or services; or
- b. Soliciting business or offering goods or services for hire; or
- c. Using any vehicle, machine or device, or any premises in the Borough of Hightstown for business purposes

##### **4-12.2 License Required.**

It shall be unlawful for any retail establishment to engage in any business within the Borough without first obtaining a license.

##### **4-12.3 Exceptions.**

This section shall not apply to any of the following establishments:

- a. Any establishment that has obtained an annual retail food license.
- b. Any establishment that has obtained a Coin-operated vending machine license (in coin-operated laundries).

##### **4-12.4 Additional Application Requirements.**

- a. In addition to general requirements stated in section 4-1, the application for a license shall also require:

1. That the use does not conflict with the regulations of Chapter 28, "Zoning".

#### **4-12.5 Suspension or Revocation of License.**

In addition to the grounds for revocation set forth in subsection 4-1.10, a license issued under this section may be suspended or revoked for failure to comply with any provision of the Retail Establishment Code.

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 2016-146 Authoring Payment of Bills**

Councilmember Kurs requested that the following bill be pulled from the bill list and voted on separately: Vendor R0537, Stiches N Ink for \$110

Councilmember Montferrat moved Resolution 2016-146 as amended; Councilmember Stults seconded.

Roll Call Vote: Councilmembers Bluth, Hansen, Kurs, Misiura, Montferrat and Stults voted yes.

Resolution adopted as amended: 6-0.

Council President Hansen moved Item R0537 for payment; Councilmember Stults seconded.

Roll Call Vote: Councilmembers Bluth, Hansen, Misiura, Montferrat and Stults voted yes. Councilmember Kurs abstained.

Resolution adopted: 5-0 with one abstention.

Resolution 2016-146

*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 \$5,251,763.02 from the following accounts:

Current		\$5,111,699.10
W/S Operating		93,824.71
General Capital		17,636.39
Water/Sewer Capital		12,053.03
Grant		300.00
Trust		781.31
Housing Trust		1,679.50
Animal Control		28.20
Law Enforcement Trust		0.00
Housing Rehab Loans		0.00
Unemployment Trust		0.00
Escrow		<u>13,760.78</u>
Total		<u>\$5,251,763.02</u>

**Resolution 2016-147 Resolution of the Borough of Hightstown, in the County of Mercer, Authorizing the Execution of a Redevelopment Agreement for Portion of the Bank Street Redevelopment Area**

Council President Hansen moved Resolution 2016-147; Councilmember Misiura seconded.

Roll Call Vote: Councilmembers Bluth, Hansen, Kurs, Misiura, Montferrat and Stults voted yes.

Resolution adopted 6-0.

Resolution 2016-147

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

**RESOLUTION OF THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, AUTHORIZING EXECUTION OF A REDEVELOPMENT AGREEMENT FOR PORTION OF THE BANK STREET REDEVELOPMENT AREA**

**WHEREAS**, pursuant to the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 *et seq*, by Resolution 2003-19 duly adopted on December 1, 2003, the Borough Council (“Borough Council”) of the Borough of Hightstown (the “Borough”) designated the properties known as Tax Block 54, Lots 6-10, 13, 14.01, 16.01 & 23; Block 40, Lots 14-28; Block 33, Lots 1-30 & 32-36; Block 30, Lots 1-13; Block 28, Lots 56 & 57; and Block 21, Lots 1-14 & 26 on the Borough’s official tax map (collectively, the “Redevelopment Area”), as an “area in need of redevelopment”; and

**WHEREAS**, a revised redevelopment plan (“Redevelopment Plan”) containing development standards for that

portion of the Redevelopment Area which is known as Sub-Area I (Bank Street) was adopted by Ordinance Number 2015-04 of the Borough Council on April 20, 2015, which revised those redevelopment plans for the Redevelopment Area previously adopted by the Borough on September 7, 2004, October 2, 2006, and October 6, 2008; and

**WHEREAS**, RBG Hightstown, LLC (“RBG”) has presented to the Borough a plan for the redevelopment of that portion of the Redevelopment Area consisting of Block 30, Lots 1-7, Block 30, Lots 10-13, and Block 21, Lots 1-5 & 26 on the Borough’s official tax map (collectively, the “Project Area”), which constitutes part of Sub-Area I (Bank Street); and

**WHEREAS**, by Resolution 2016-42 duly adopted on February 1, 2016, the Borough Council designated RBG as the conditional redeveloper for the Project Area; and

**WHEREAS**, on February 1, 2016, the Borough and RBG entered into that certain Conditional Redeveloper’s Agreement (“Conditional Redeveloper’s Agreement”) for the purpose of setting forth the terms and conditions under which RBG would be designated the official redeveloper of the Project Area; and

**WHEREAS**, by Resolution 2016-119 duly adopted on May 16, 2016, the Borough Council extended RBG’s designation as conditional redeveloper for the Project Area, and the time period during which RBG was required to satisfy the terms and conditions of the Conditional Redeveloper’s Agreement, through September 30, 2016; and

**WHEREAS**, the Borough recognizes that RBG has now satisfied all the terms and conditions of the Conditional Redeveloper’s Agreement; and

**WHEREAS**, the Borough has reviewed the concept proposal submitted by RBG for the Project Area and found same consistent with the Borough’s goals for redeveloping the Project Area; and

**WHEREAS**, the Borough desires to designate RBG as the redeveloper of the Project Area and to authorize the execution of a redevelopment agreement by and between the Borough and RBG, in substantially the same form as that on file with the Borough Clerk (the “Redevelopment Agreement”).

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

**Section 1.** The aforementioned recitals are incorporated herein as though fully set forth at length.

**Section 2.** RBG is hereby designated as the redeveloper of the Project Area, subject to the execution by the Borough and RBG of the Redevelopment Agreement.

**Section 3.** The Mayor is authorized to execute the Redevelopment Agreement with RBG for the redevelopment of the Project Area, in substantially the same form as that on file with the Borough Clerk.

**Section 4.** This resolution shall take effect immediately.

#### **Resolution 2016-148 Waiving Fees for Certain Parking Permits**

Councilmember Stults moved Resolution 2016-148; Council President Hansen seconded.

Roll Call Vote: Councilmembers Bluth, Hansen, Kurs, Misiura, Montferrat and Stults voted yes.

Resolution adopted 6-0.



Resolution 2016-148  
*BOROUGH OF HIGHTSTOWN  
COUNTY OF MERCER  
STATE OF NEW JERSEY*

**WAIVING FEES FOR CERTAIN PARKING PERMITS**

**WHEREAS** Rise (formerly known as the Community Action Service Center), a nonprofit agency serving Borough residents, has requested eight 2016-2017 parking permits for use by their staff, including four special permits for use in the Main Street parking lot and four permits for use in the Borough's permit parking area near Wells Fargo Bank; and

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

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

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the Borough Clerk shall issue Rise eight (8) 2016-2017 parking permits as detailed herein and that the fees for these permits shall be waived.

Borough Attorney, Fred Raffetto, asked that we address an issue that was brought to the attention of the Borough Administrator earlier today regarding the Detention Tanks Contract that was awarded by the Borough on June 6<sup>th</sup>. According to Public Contract Law, a contract must be awarded within 60 days of bid opening. Bid opening took place on May 3, 2016. Council awarded the contract to the low bidder on June 6<sup>th</sup> but the resolution stipulated that the award was conditional upon approval from the DEP. As of today, July 18<sup>th</sup>, we have not received approval from the DEP even though everything was sent to them in a timely manner. The contractor, The G. Meyer Group, informed Ms. Roberts today that since the 60 days has passed he has chosen not to hold his price. Ms. Roberts left a message for the contractor requesting that he reconsider holding his price for a few more days in the hopes that we will receive approval from DEP any day. Council could choose to award the contract to the next low bidder but the bid was \$50,000 higher or reject all bids and rebid the project. After discussion, it was agreed to hold a decision until the August meeting in the hopes that The G. Meyer Group would hold their original price and approval from the DEP would be forthcoming shortly.

**PUBLIC COMMENT PERIOD II**

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

**Eugene Sarafin, 628 South Main Street** – Stated that the 3 minute time limit for public comment is an insult to the public. Went on to say that he is amazed that local people can run a town but the State Senate cannot pass a gas tax. Spoke about how Chris Christie is hurting the State and how he feels bad for the Republican Party for running Donald Trump. Ended by saying that Council is doing a great job.

**Scott Caster, 12 Clover Lane** – Complimented our Police Department on how they conducted themselves making an arrest on a suspect that was resisting arrest, who had to be chased down. Suspect was injured in the midst of the arrest and our police officers were very considerate of his injuries. Police should be honored everyday for the work that they do. He asked Police Commissioner Kurs, to please let the Police Department know that they were complimented by a resident.

**Ed Difilia, Stoneybrook Millstone Watershed Association** – Came out to talk about the Smoke Free Parking Ordinance. Statewide bill was just vetoed by the Governor. Governor will ban smoking in State Parks and beaches but leaving local parks up to the municipalities because of signage. If the Borough decides to move forward with an ordinance, there are free signs available through a grant from the Board of Health.

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

## **DISCUSSION**

### **Television and Movie Filming on Public Property**

Based on some recent events we realized that the Borough does not have any regulation for filming on Borough property. Mr. Raffetto and Mr. Underhill included a sample ordinance for discussion.

The incident in question was a video taken in front of the Firehouse and posted to YouTube. There was no permission granted from Mayor and Council or Administration of the Borough. We received comments from the public regarding the video.

Councilmember Kurs stated that we received communication from one individual which is not an outcry from the public. He is not convinced that one incident that one individual took exception to warranted the time and expense of putting an ordinance in place. In reviewing the sample ordinance, he brought to light that professional photographers taking photographs that are put on a dvd and viewed on a television, students working on school projects, photographs taken at the harvest fair or farmers market would all be in violation under this ordinance. He also pointed out that the video in question was not on TV but posted to YouTube. He continued by stating that the issue that was brought to our attention had more to do with the content of the video then it being filmed on public property. He wants to be cautious of Council taking steps that will infringe upon people's rights of free speech and expression. He ended by stating the fines listed in ordinance too high. We are not New York City, we are not shutting down our roads for filming of television shows.

Councilmember Stults stated that he agrees with everything that Mr. Kurs said. The person who shot the video and granted permission had the best intentions. A full permit is not needed. A heads up at Borough Hall is all that should be needed.

Councilmember Bluth agrees with Mr. Stults and Mr. Kurs. An ordinance is not needed.

Councilmember Misiura stated that Mr. Underhill sent out a directive regarding who can grant permission for this type of filming and he believes that this is enough. He and Mr. Underhill had a meeting with the Fire Chief and everyone realizes the proper procedure now.

After further discussion it was decided that no further action is needed.

## **SUBCOMMITTEE REPORTS**

Mr. Underhill and Councilmember Stults met with the architect and looked at preliminary options. Other options need to be looked at.

## **MAYOR/COUNCIL/ADMINISTRATIVE REPORTS**

### **Councilmember Stults**

**Downtown Business Meeting** – He and the Mayor had their monthly meeting with downtown businesses and one new business attended. He has heard from some businesses that they hadn't received any notice regarding the meeting. We are working to update a mailing list to make sure we get notice out to all businesses and possibly compile information from the meeting in a letter to everyone.

**Downtown Hightstown** – No news to report.

### **Councilmember Kurs**

**Police Department** – On July 10, 2016, Officers Larsen, Abbatemarco, and Esposito utilized naloxone to successfully reverse the effects of an opiate overdose in two separate incidents. Our first responders did an excellent job in saving two lives here in town. Our gratitude goes out to all those involved. Mayor Quattrone commented that he had spoken to the Chief regarding bringing the three officers before Council to be commended. His response was that the officers feel this is part of their job and they do not need to be recognized in public. Letters will be placed in their personnel files regarding their outstanding work.

**Truck Traffic on Dye & Summit Streets** – This has been a problem before and has been brought to our attention once again. The Chief of Police has been notified of the problem. The Police Department will look into and report back to Council.

#### **Councilmember Bluth**

**Farmers Market** – Will continue on Thursday evenings until September 15<sup>th</sup>. Things are picking up with more vendors and live music

**Theatre in the Park** – Performances will be July 29<sup>th</sup> and 30<sup>th</sup> at 7:00 and July 31<sup>st</sup> at 3:00 in Association Park.

**Latino Festival** – Will be held July 30<sup>th</sup> from 12 – 5 in Rocky Brook Park.

**National Night Out** – August 2<sup>nd</sup> at Rocky Brook Park.

**Monet and Merlo** – Paint and Pour fundraiser hosted by the Cultural Arts Commission will take place on August 17<sup>th</sup>. The cost is \$40 per person and more information can be found on the Cultural Arts Commission's website.

#### **Councilmember Montferrat**

**Harvest Fair** – Will be meeting tomorrow evening.

**Historic Preservation Commission** – Will be meeting Thursday evening.

**Latino Festival** – Will take place July 30<sup>th</sup> at Rocky Brook Park.

#### **Councilmember Misiura**

**Fire Department** – Met with the Fire Chief regarding the filming of the video in front of the firehouse. He believes this issue is now resolved. There are on-going meetings with the fire department regarding the redevelopment process and we will continue meeting with them to find out their needs. This is an open process and if the Fire Department has any concerns they are to get in touch with Henry.

**Planning Board** – July meeting was cancelled as there was nothing on the agenda.

#### **Council President Hansen**

Stated that she is very excited about the redevelopment agreement and that this is a landmark for Hightstown. She stated that Council has a good working relationship with the developer but there are still many steps ahead of us. Finished by stating that she has been undergoing medical treatments since January and her last treatment was today. She thanked Council for their support.

#### **George Lang, CFO**

Let Council know that the current tax bills had went out to residents and that the tax rate is the same as it was in 2014. He stated that Hightstown's tax rate has remained stable since 2010.

**Henry Underhill, Borough Administrator**

Stated that the Fire Department spoke to him regarding repairs to the memorial in front of the firehouse. After discussion, Mr. Underhill recommended that the repairs be put off until next year because of the upcoming renovations to the firehouse.

**Mayor Quattrone**

**Police Department** – Once again thanked the officers for what they do for our community every day. Instructed the Deputy Clerk to make sure that letters are done and inserted into the three officer's personnel files.

**Downtown Businesses** – The meetings started off slow but he feels that are going good now and this is good for open communication. Thanked Councilmember Stults for his time on this.

**Old Ladder Truck** – Is ready to be picked up and should be leaving Hightstown soon.

Councilmember Montferrat moved to adjourn at 8:57 p.m.; Councilmember Misiura seconded. All ayes.

Respectfully Submitted,

Margaret M. Riggio  
Deputy Borough Clerk