

**Meeting Minutes
Hightstown Borough Council
Workshop Meeting
June 6, 2016
7:00 p.m.**

The meeting was called to order by Mayor Quattrone at 7:00 pm and he read the Open Public Meetings Act statement which stated, "Adequate notice of this meeting has been given in accordance with the Open Public Meetings Act, pursuant to Public Law 1975, Chapter 231. Said notice was 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 (Peggy) Riggio, Deputy Borough Clerk; Henry Underhill, Borough Administrator; Fred Raffetto, Borough Attorney; Kevin McManimon, Special Counsel for Redevelopment.

EXECUTIVE SESSION

Resolution 2016-121 Authoring a Meeting that Excludes the Public

Council President Hansen moved Resolution 2016-121; Councilmember Stults seconded.

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

Resolution adopted 6-0.

Resolution 2016-121

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

AUTHORIZING A MEETING WHICH EXCLUDES THE PUBLIC

BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that this body will hold a meeting on June 6, 2016 at 7:00 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)

Stated as precisely as presently possible the following is the time when and the circumstances under which the discussion conducted at said meeting can be disclosed to the public: September 6, 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 7:44 p.m. and again read the Open Public Meetings Statement.

The Flag Salute followed roll call.

Mr. McManimon left the meeting after Executive Session. George Lang, CFO, arrived at this time and is now present.

APPROVAL OF AGENDA

Councilmember Kurs moved the agenda for approval; Councilmember Bluth seconded.

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

Agenda approved 6-0.

APPROVAL OF MINUTES

Council President Hansen moved the May 2, 2016 Executive Session Minutes for approval, Councilmember Stults seconded.

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

Minutes approved 6-0.

Councilmember Montferrat moved the May 2, 2016 Workshop Session Minutes for approval; Council President Hansen seconded.

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

Minutes approved 6-0.

PUBLIC COMMENT

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

Eugene Sarafin, 628 South Main Street – Commented that he liked the set up of the meeting room and thanked Council for all that they do.

Keith LeProvost, 213 Greeley Street – Commented on the No Smoking in the Park discussion. Stated that the Housing Authority has had this in place for over 2 years and it is a great success. Also questioned the price we are receiving for the sale of the old ladder truck.

Doug Mair, 536 South Main Street – Stated that he had emailed Mayor and Council and thanked those that responded to him. Asked that all comments from the public be recorded in their entirety in the minutes. Cited Paff v. Keyport Borough Council Docket # MON-L331907 NJ Superior Court, Law Division, Monmouth County, filed February 13, 2009 decision declared that minutes must be made available within 30 days or by the next meeting, whichever shall occur first. Can someone please clarify if Hightstown Borough is subject to this ruling and if so why have minutes sometimes been delayed for months.

Lynne Woods, 315 Park Avenue – Stated that it was nice to see Resolution 2016-128 (architectural services) on the agenda. Commented that the Borough has previous plans from Goldstein and she hopes that someone is reviewing them. She is interested to see the outcome of rebuilding Borough Hall since four current Council members were against the plan of rebuilding back in 2013.

Ed Difila, Municipal Policy Specialist Stonybrook Millstone Watershed – Stated that he is happy that Council is discussing the no smoking in the park ordinance and pointed out that the Borough can receive points toward Sustainable NJ if an ordinance is put into place.

Scott Caster, 12 Clover Lane – Stated that he is in favor of the Business Licensing Ordinance but asked for clarification from the attorney regarding the definition of “retail business” and asked if home based businesses would be included in the ordinance.

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

ORDINANCES

2016-14 Final Reading and Public Hearing – Bond Ordinance Providing for Various Improvements to the Water-Sewer Utility in and by the Borough of Hightstown, In the County of Mercer, New Jersey, Appropriating \$1,860,000 therefor and Authorizing the Issuance of \$1,860,000 Bonds or Notes of the Borough to Finance the Cost thereof

Mayor Quattrone opened the public hearing on Ordinance 2016-14 and the following individuals spoke:

Keith LeProvost, 213 Greeley Street – Questioned how much the Borough is spending on underground pipes. Stated that the Housing Authority was having in issue with brown water, Public Works was able to make changes and clear up the problem. Underground piping needs to be dealt with; this is what residents drink. We should be investing our money this way.

Eugene Sarafin, 628 South Main Street – Stated that it would be nice for the public to have a breakdown on how the \$1.8 Million is being used.

Doug Mair, 536 South Main Street – Stated that it is confusing to follow the bond ordinances and contracts. Asked for a brief explanation of how many tanks and wells the Borough has and how often they need to be maintained.

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

Council President Hansen moved Ordinance 2016-14 for adoption; Councilmember Montferrat seconded.

Discussion ensued. It was stated that these projects were started over a year and a half ago. DEP is requiring that we change the tank from chlorine to UV. The Borough had several engineers look at the projects. The Borough has 3 wells. Well 1 is used intermittently and at the moment contains high iron levels. Well 3 is the newest and deepest of the wells. The Borough looks at replacing underground pipes when we complete roadwork. The Water Department has 2 large detention tanks. The work on the tanks are being financed by an NJEIT Grant. Both of the current contracts came in under estimate. Mr. Underhill pointed out that additional engineers were consulted for both project and that the timing of the projects are complex because of the NJEIT funding.

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

Ordinance adopted 6-0.

Ordinance 2016-14

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

**BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS
TO THE WATER-SEWER UTILITY IN AND BY THE BOROUGH OF
HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY,
APPROPRIATING \$1,860,000 THEREFOR AND AUTHORIZING THE**

**ISSUANCE OF \$1,860,000 BONDS OR NOTES OF THE BOROUGH TO
FINANCE THE COST THEREOF.**

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Borough of Hightstown, in the County of Mercer, New Jersey (the "Borough"). For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$1,860,000. No down payment is required as the purpose authorized herein is deemed self-liquidating and the bonds and bond anticipation notes authorized herein are deductible from the gross debt of the Borough, as more fully explained in Section 6(e) of this bond ordinance.

Section 2. In order to finance the cost of the improvement or purpose, negotiable bonds are hereby authorized to be issued in the principal amount of \$1,860,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is various improvements to the Water-Sewer Utility, including improvements to the ultraviolet disinfection systems and the rehabilitation of detention tanks and Well #2, including all work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or bond anticipation notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may

be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Borough may lawfully undertake as a self-liquidating purpose of a municipal public utility. No part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 40 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$1,860,000, but that the net debt of the Borough determined as provided in the Local Bond Law is not increased by this bond ordinance. The obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$335,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

(e) This bond ordinance authorizes obligations of the Borough solely for purposes described in N.J.S.A. 40A:2-7(h). The obligations authorized herein are to be issued for a purpose that is deemed to be self-liquidating pursuant to N.J.S.A. 40A:2-47(a) and are deductible from the gross debt of the Borough pursuant to N.J.S.A. 40A:2-44(c).

Section 7. The Borough hereby declares the intent of the Borough to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

Section 8. The Borough expects to finance this improvement through the New Jersey Environmental Infrastructure Trust ("NJEIT"). A portion of such financing is expected to be a loan that NJEIT will forgive and treat as a grant upon the issuance by NJEIT of bonds to be used to finance a separate portion of the improvement. The portion of the loan which is forgivable pursuant to the applicable laws and regulations shall upon forgiveness by NJEIT at that point be a deduction from the Borough's debt authorized herein. The amount of the obligations authorized, but not issued hereunder, shall then be reduced to the extent, and in the amount that such loan is forgiven, that such funds are so used.

Section 9. Any grant moneys received for the purpose described in Section 3(a) hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 10. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the ARule@) for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 11. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 12. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

2016-15 First Reading and Introduction – 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

Council President Hansen moved Ordinance 2016-15 for introduction; Councilmember Montferrat seconded.

Borough Attorney, Fred Raffetto, stated that the definition of Retail Business is *the sale of goods to an individual not wholesale*.

Discussion ensued. Mr. Underhill stated that the definition is broad enough to cover all businesses including home businesses. There was discussion regarding the fee and the amount of administrative work that will be involved.

Roll Call Vote: Councilmembers Bluth, Hansen, Kurs, Montferrat and Stults voted yes. Councilmember Misiura voted no.

Ordinance introduced 5-1. Public Hearing scheduled for June 20, 2016.

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

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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.

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- a. Fees shall be as follows:

<u>License</u>	<u>Fee</u>
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, rooming houses and rooming units*	
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
<u>Retail Businesses (sale of goods or services)</u>	<u>\$100.00 per year</u>

- 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)

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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

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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

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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.

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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.

2016-16 First Reading and Introduction – An Ordinance Amending and Supplementing Chapter 2, Entitled “Administration”, Section 2-45 Entitled “Historic Preservation Commission” of the “Revised General Ordinances of the Borough of Hightstown, New Jersey” Regarding Membership

Councilmember Montferrat moved Ordinance 2016-16 for introduction; Councilmember Kurs seconded.

Mr. Underhill explained that at the moment the membership for our HPC is 7 members. They have a difficult time getting a quorum for their meetings. It was thought that if the membership was reduced to 5 members they would be able to have a quorum for more of their meetings.

Mr. Raffetto explained that according to State Statute, a Historic Preservation Commission may have 5, 7 or 9 members.

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

Ordinance introduced 6-0. Public Hearing scheduled for June 20, 2016

Mr. Raffetto advised that this ordinance should be forward to the Planning Board for approval because the State Statue for Historic Preservation Commission falls under the Municipal Land Use Law.

Ordinance 2016-16
BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 2, ENTITLED
“ADMINISTRATION”, SECTION 2-45, ENTITLED “HISTORIC PRESERVATION COMMISSION”,
SUBSECTION 2-45.3, ENTITLED “ESTABLISHMENT OF THE HISTORIC PRESERVATION
COMMISSION” OF THE “REVISED GENERAL ORDINANCES OF THE BOROUGH OF
HIGHTSTOWN, NEW JERSEY” REGARDING MEMBERSHIP**

WHEREAS, the Historic Preservation Commission (HPC) has had difficulty in acquiring a quorum for HPC meetings, and the Hightstown Borough Council finds that a change in the membership of the HPC will enable the HPC to perform their function more efficiently and serve the Borough effectively.

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

Section 1. That Chapter 2, entitled “Administration”, Section 2-45, entitled “Historic Preservation Commission”, Subsection 2-45.3, entitled “Establishment of the Historic Preservation Commission”, is hereby amended to read as follows (underline for additions, strikethroughs for deletions):

Subsection 2-45.3: Establishment of the Historic Preservation Commission.

(A) Establishment – There is hereby established within the Borough of Hightstown, pursuant to N.J.S.A. 40:55D-107 et seq., an “Historic Preservation Commission”, also known as the “HPC,” whose members shall serve without compensation.

(B) Responsibilities – The Historic Preservation Commission shall have the following duties and responsibilities:

1. To identify, record and maintain a survey of all buildings, structures, sites, objects, improvements and Districts of historical significance within the Borough of Hightstown.
2. To recommend to the Mayor and Council the designation of buildings, structures, sites, objects or improvements as Historic Landmarks, and to recommend the designation of Historic Districts.
3. To monitor and recommend to the Mayor and Council any buildings, structures, sites, objects, improvements or Districts for inclusion in the New Jersey or National Register of Historic Places.
4. To make recommendations to the Planning Board on the [Historic Preservation Plan Element](#) of the Master Plan and on the implications of Historic Landmarks and Historic

Districts of any other Master Plan elements. The HPC may provide information to the Planning Board indicating the location and significance of Historic Landmarks and Historic Districts, and identify the standards used to assess worthiness for Historic Landmark or Historic District designation.

5. To advise the Planning Board on applications for development pursuant to N.J.S.A. 40:55D-110.
6. To provide written reports pursuant to N.J.S.A. 40:55D-111 on the application of the Zoning Ordinance provisions concerning historic preservation to proposed construction.
7. To review and render recommendations regarding applications for HPC Opinions as set forth in this Ordinance.
8. To advise the Planning Board, other Borough Commissions and Committees and the Mayor and Council on the inclusion of Historic Landmarks and Historic Districts in the [Borough's](#) revitalization planning.
9. To monitor and recommend to the Mayor and Council the submission of any grants related to historic preservation.
10. To carry out other advisory, educational and informational functions [to](#) promote historic preservation in the Borough.

(C) Membership, Appointment – The HPC shall consist of five (5) regular members and two (2) alternate members, who shall be appointed by the Mayor. At the time of appointment, members shall be designated by the following classes:

Class A – A person knowledgeable in building design and construction or architectural history and who may reside outside the municipality; and,

Class B – A person who is knowledgeable in, or who has demonstrated an interest in, local history and who may reside outside the municipality; and,

Class C – Citizens of the municipality who shall hold no other municipal office, position or municipal employment except for membership on the Planning Board. Class C members should have at a minimum a demonstrated interest in history, historic preservation or a related field.

Of the five regular members, [a total of](#) at least [two members](#) shall be [of Classes A & B](#). Alternate members shall meet the qualifications of Class C members. At the time of appointment, alternate members shall be designated as “Alternate #1” and “Alternate #2”.

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.

2016-17 First Reading and Introduction – An Ordinance Amending and Supplementing Chapter 24, Entitled “Flood Damage Prevention,” to the Revised General Ordinances of the Borough of Hightstown, New Jersey.”

Councilmember Stults moved Ordinance 2016-17 for introduction; Councilmember Montferrat seconded.

Mr. Raffetto explained that these changes were required by the DEP for the Borough to continue participation in the National Flood Insurance Program (NFIP).

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

Ordinance introduced 6-0. Public Hearing scheduled for June 20, 2016.

Ordinance 2016-17
*BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY*

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 24, ENTITLED “FLOOD DAMAGE PREVENTION,” TO THE “REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN, NEW JERSEY.”

WHEREAS, The State of New Jersey, Department of Environmental Protection has determined that amendments are needed to Chapter 24 to the Revised General Ordinances of the Borough of Hightstown, to continue participation in the National Flood Insurance Program (NFIP).

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

Section 1. That Chapter 24 entitled “Flood Damage Prevention”, is hereby amended to read:

1.1 STATUTORY AUTHORIZATION

The Legislature of the State of New Jersey has in N.J.S.A. 40:48-1, et seq., delegated the responsibility to local governmental units to adopt regulations designed to promote public health, safety, and general welfare of its citizenry. Therefore, the Borough Council of the Borough of Hightstown of Mercer County, New Jersey does ordain as follows:

1.2 FINDINGS OF FACT

- a) The flood hazard areas of the Borough of Hightstown are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- b) These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazard which increase flood heights and velocities, and when inadequately anchored, causes damage in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

1.3 STATEMENT OF PURPOSE

It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- a) Protect human life and health;
- b) Minimize expenditure of public money for costly flood control projects;
- c) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- d) Minimize prolonged business interruptions;
- e) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, bridges located in areas of special flood hazard;

- f) Help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas;
- g) Ensure that potential buyers are notified that property is in an area of special flood hazard; and
- h) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

1.4 METHODS OF REDUCING FLOOD LOSSES

In order to accomplish its purposes, this ordinance includes methods and provisions for:

- a) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- b) Requiring that uses vulnerable to floods including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- c) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- d) Controlling filling, grading, dredging, and other development which may increase flood damage; and,
- e) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

SECTION 2.0

DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

AO Zone- Areas subject to inundation by 1-percent-annual-chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between one and three feet.

AH Zone- Areas subject to inundation by 1-percent-annual-chance shallow flooding (usually areas of ponding) where average depths are between one and three feet. Base Flood Elevations (BFEs) derived from detailed hydraulic analyses are shown in this zone.

Appeal — A request for a review of the Construction Official's interpretation of any provision of this ordinance or a request for a variance.

Area of Shallow Flooding — A designated AO or AH zone on a community's Digital Flood Insurance Rate Map (DFIRM) with a one percent annual or greater chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood Hazard — Land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone V, VE, V1-30, A, AO, A1-A30, AE, A99, or AH.

Base Flood — A flood having a one percent chance of being equaled or exceeded in any given year.

Base Flood Elevation (BFE) – The flood elevation shown on a published Flood Insurance Study (FIS) including

the Flood Insurance Rate Map (FIRM). For zones AE, AH, AO, and A1-30 the elevation represents the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year. For zones VE and V1-30 the elevation represents the stillwater elevation (SWEL) plus wave effect ($BFE = SWEL + \text{wave effect}$) resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

Basement — Any area of the building having its floor subgrade (below ground level) on all sides.

Breakaway Wall — A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation system.

Development — Any man made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials located within the area of special flood hazard.

Digital Flood Insurance Rate Map (DFIRM) — The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Elevated Building — A non-basement building (i) built, in the case of a building in an Area of Special Flood Hazard, to have the top of the elevated floor elevated above the base flood elevation plus freeboard by means of piling, columns (posts and piers), or shear walls parallel to the flow of the water, and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood up to the magnitude of the base flood. In an Area of Special Flood Hazard "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

Erosion — The process of the gradual wearing away of land masses.

Existing Manufactured Home Park or Subdivision — A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Flood or Flooding — A general and temporary condition of partial or complete inundation of normally dry land areas from:

- a) The overflow of inland or tidal waters and/or
- b) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Insurance Rate Map (FIRM) — The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study (FIS) — The official report in which the Federal Insurance Administration has provided flood profiles, as well as the Flood Insurance Rate Map(s) and the water surface elevation of the base flood.

Floodplain Management Regulations — Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such State or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Floodproofing — Any combination of structural and nonstructural additions, changes, or adjustments to structures

which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway — The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without accumulatively increasing the water surface elevation more than 0.2 foot.

Freeboard — A factor of safety usually expressed in feet above a flood level for purposes of flood plain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as bridge openings and the hydrological effect of urbanization of the watershed.

Highest Adjacent Grade — The highest natural elevation of the ground surface prior to construction next to the proposed or existing walls of a structure.

Historic Structure — Any structure that is:

- a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c) Individually listed on a State inventory of historic places in States with historic preservation programs which have been approved by the Secretary of the Interior; or
- d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (1) By an approved State program as determined by the Secretary of the Interior; or
 - (2) Directly by the Secretary of the Interior in States without approved programs.

Lowest Floor — The lowest floor of the lowest enclosed area [including basement]. An unfinished or flood resistant enclosure, useable solely for the parking of vehicles, building access or storage in an area other than a basement is not considered a building's lowest floor provided that such enclosure is not built so to render the structure in violation of other applicable non-elevation design requirements of 44 CFR Section 60.3.

Manufactured Home — A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

Manufactured Home Park or Manufactured Home Subdivision — A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

New Construction — Structures for which the start of construction commenced on or after the effective date of a floodplain regulation adopted by a community and includes any subsequent improvements to such structures.

New Manufactured Home Park or Subdivision — A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by the municipality.

Recreational Vehicle — A vehicle which is [i] built on a single chassis; [ii] 400 square feet or less when measured at the longest horizontal projections; [iii] designed to be self-propelled or permanently towable by a light duty

truck; and [iv] designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Start of Construction — For other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. No. 97-348) includes substantial improvements and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation.

Permanent construction does not include land preparation, such as clearing, grading and filling nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings or piers, or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure — A walled and roofed building, a manufactured home, or a gas or liquid storage tank that is principally above ground.

Substantial Damage — Damage of any origin sustained by a structure whereby the cost of restoring the structure to its condition before damage would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement — Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

- a) Any project for improvement of a structure to correct existing violations of State or local health, sanitary or safety code specifications which have been identified by the local code enforcement officer and which are the minimum necessary to assure safe living conditions; or
- b) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

Variance — A grant of relief from the requirements of this ordinance that permits construction in a manner that would otherwise be prohibited by this ordinance.

Violation — The failure of a structure or other development to be fully compliant with this ordinance. A new or substantially improved structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR §60.3(b)(5), (c)(4), (c)(10), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

SECTION 3.0

GENERAL PROVISIONS

3.1 LANDS TO WHICH THIS ORDINANCE APPLIES

This ordinance shall apply to all areas of special flood hazards within the jurisdiction of the Borough of Hightstown, Mercer County, New Jersey.

3.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard for the Borough of Hightstown, Community No. 340247, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

- a) A scientific and engineering report "Flood Insurance Study, Mercer County, New Jersey (All Jurisdictions)" dated July 20, 2016.
- b) "Flood Insurance Rate Map for Mercer County, New Jersey (All Jurisdictions)" as shown on Index and panels 0168F and 0169F, whose effective date is July 20, 2016.

The above documents are hereby adopted and declared to be a part of this ordinance. The Flood Insurance Study, maps and advisory documents are on file at the municipal offices located at 156 Bank Street, Hightstown Borough, New Jersey.

3.3 PENALTIES FOR NONCOMPLIANCE

No structure or land shall hereafter be constructed, re-located to, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than Two Thousand Dollars (\$2,000.00) or imprisoned for not more than ninety (90) days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the Borough of Hightstown, from taking such other lawful action as is necessary to prevent or remedy any violation.

3.4 ABROGATION AND GREATER RESTRICTIONS

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and other ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

3.5 INTERPRETATION

In the interpretation and application of this ordinance, all provisions shall be:

- a) Considered as minimum requirements;
- b) Liberally construed in favor of the governing body; and,
- c) Deemed neither to limit nor repeal any other powers granted under State statutes.

3.6 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages.

This ordinance shall not create liability on the part of the Borough of Hightstown, any officer or employee thereof or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

SECTION 4.0

ADMINISTRATION

4.1 ESTABLISHMENT OF DEVELOPMENT PERMIT

A Development Permit shall be obtained before construction or development begins, including placement of manufactured homes, within any area of special flood hazard established in section 3.2. Application for a Development Permit shall be made on forms furnished by the Construction Official and may include, but not be limited to; plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- a) Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
- b) Elevation in relation to mean sea level to which any structure has been floodproofed.
- c) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in section 5.2-2; and,
- d) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

4.2 DESIGNATION OF THE LOCAL ADMINISTRATOR

The Construction Official is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

4.3 DUTIES AND RESPONSIBILITIES OF THE ADMINISTRATOR

Duties of the Construction Official shall include, but not be limited to:

4.3-1 PERMIT REVIEW

- a) Review all development permits to determine that the permit requirements of this ordinance have been satisfied.
- b) Review all development permits to determine that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.
- c) Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of 5.3 a) are met.

4.3-2 USE OF OTHER BASE FLOOD AND FLOODWAY DATA

When base flood elevation and floodway data has not been provided in accordance with section 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the Construction Official shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer sections 5.2-1, SPECIFIC STANDARDS, RESIDENTIAL CONSTRUCTION, and 5.2-2, SPECIFIC STANDARDS, NONRESIDENTIAL CONSTRUCTION.

4.3-3 INFORMATION TO BE OBTAINED AND MAINTAINED

- a) Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.

- b) For all new or substantially improved floodproofed structures:
 - i. verify and record the actual elevation (in relation to mean sea level); and
 - ii. maintain the floodproofing certifications required in section 4.1 c).
- c) Maintain for public inspection all records pertaining to the provisions of this ordinance.

4.3-4 ALTERATION OF WATERCOURSES

- a) Notify adjacent communities and the New Jersey Department of Environmental Protection, Dam Safety and Flood Control Section and the Land Use Regulation Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
- b) Require that maintenance is provided within the altered or relocated portion of said watercourse so the flood carrying capacity is not diminished.

4.3-5 SUBSTANTIAL DAMAGE REVIEW

- a) After an event resulting in building damages, assess the damage to structures due to flood and non-flood causes.
- b) Record and maintain the flood and non-flood damage of substantial damage structures and provide a letter of Substantial Damage Determination to the owner and the New Jersey Department of Environmental Protection, Dam Safety and Flood Control Section.
- c) Ensure substantial improvements meet the requirements of sections 5.2-1, SPECIFIC STANDARDS, RESIDENTIAL CONSTRUCTION, and 5.2-2, SPECIFIC STANDARDS, NONRESIDENTIAL CONSTRUCTION.

4.3-6 INTERPRETATION OF FIRM BOUNDARIES

Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in section 4.4.

4.4 VARIANCE PROCEDURE

4.4-1 APPEAL BOARD

- a) The Planning Board shall hear and decide appeals and requests for variances from the requirements of this ordinance.
- b) The Planning Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Construction Official in the enforcement or administration of this ordinance.
- c) Those aggrieved by the decision of the Planning Board, or any taxpayer, may appeal such decision to the Superior Court of New Jersey.
- d) In passing upon such applications, the Planning Board shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:
 - i. the danger that materials may be swept onto other lands to the injury of others;
 - ii. the danger to life and property due to flooding or erosion damage;
 - iii. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

- iv. the importance of the services provided by the proposed facility to the community;
 - v. the necessity to the facility of a waterfront location, where applicable;
 - vi. the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - vii. the compatibility of the proposed use with existing and anticipated development;
 - viii. the relationship of the proposed use to the comprehensive plan and floodplain management program of that area;
 - ix. the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - x. the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
 - xi. the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- e) Upon consideration of the factors of section 4.4-1 d) and the purposes of this ordinance, the Planning Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
- f) The Construction Official shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Insurance Administration upon request.

4.4-2 CONDITIONS FOR VARIANCES

- a) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items i.-xi. in section 4.4-1 d) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- b) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- c) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- d) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- e) Variances shall only be issued upon:
 - i. A showing of good and sufficient cause;
 - ii. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and,
 - iii. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in section 4.4- 1 d), or conflict with existing local laws or ordinances.
- f) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

SECTION 5.0

PROVISIONS FOR FLOOD HAZARD REDUCTION

5.1 GENERAL STANDARDS

In all areas of special flood hazards, compliance with the applicable requirements of the Uniform Construction Code (N.J.A.C. 5:23) and the following standards, whichever is more restrictive, is required:

5.1-1 ANCHORING

- a) All new construction to be placed or substantially improved and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
- b) All manufactured homes to be placed or substantially improved shall be anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

5.1-2 CONSTRUCTION MATERIALS AND METHODS

- a) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- b) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

5.1-3 UTILITIES

- a) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- b) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters;
- c) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding; and
- d) For all new construction and substantial improvements the electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

5.1-4 SUBDIVISION PROPOSALS

- a) All subdivision proposals and other proposed new development shall be consistent with the need to minimize flood damage;
- b) All subdivision proposals and other proposed new development shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- c) All subdivision proposals and other proposed new development shall have adequate drainage provided to reduce exposure to flood damage; and,
- d) Base flood elevation data shall be provided for subdivision proposals and other proposed new development which contain at least fifty (50) lots or five (5) acres (whichever is less).

5.1-5 ENCLOSURE OPENINGS

All new construction and substantial improvements having fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by

allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two (2) openings in at least two exterior walls of each enclosed area, having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, or other covering or devices provided that they permit the automatic entry and exit of floodwaters.

5.2 SPECIFIC STANDARDS

In all areas of special flood hazards where base flood elevation data have been provided as set forth in section 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD or in section 4.3-2, USE OF OTHER BASE FLOOD DATA, the following standards are required:

5.2-1 RESIDENTIAL CONSTRUCTION

- a) New construction and substantial improvement of any residential structure located in an A or AE zone shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities, elevated at or above the base flood elevation plus one (1) foot or as required by ASCE/SEI 24-14, Table 2-1, whichever is more restrictive.
- b) Require within any AO or AH zone on the municipality's FIRM that all new construction and substantial improvement of any residential structure shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities, elevated above the depth number specified in feet plus one (1) foot, above the highest adjacent grade (at least three feet if no depth number is specified). And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

5.2-2 NONRESIDENTIAL CONSTRUCTION

- a) In an Area of Special Flood Hazard, all new construction and substantial improvement of any commercial, industrial or other nonresidential structure located in an A or AE zone shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities:
either
 - a) Elevated to or above the base flood elevation plus one (1) foot or as required by ASCE/SEI 24-14, Table 2-1, whichever is more restrictive; and
 - b) Require within any AO or AH zone on the municipality's DFIRM to elevate above the depth number specified in feet plus one (1) foot, above the highest adjacent grade (at least three feet if no depth number is specified). And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures;or
 - c) Be floodproofed so that below the base flood level plus one (1) foot or as required by ASCE/SEI 24-14, Table 6-1, whichever is more restrictive, the structure is watertight with walls substantially impermeable to the passage of water;
 - d) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,
 - e) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of this subsection. Such certification shall be provided to the official as set forth in section 4.3-3 b) ii.

5.2-3 MANUFACTURED HOMES

- a) Manufactured homes shall be anchored in accordance with section 5.1-1 b).
- b) All manufactured homes to be placed or substantially improved within an area of special flood hazard shall:
 - i. Be consistent with the need to minimize flood damage,
 - ii. Be constructed to minimize flood damage,
 - iii. Have adequate drainage provided to reduce exposure to flood damage; and,
 - iv. Be elevated on a permanent foundation such that the top of the lowest floor is at or above the base flood elevation plus one (1) foot or as required by ASCE/SEI 24-14, Table 2-1, whichever is more restrictive.

5.3 FLOODWAYS

Located within areas of special flood hazard established in section 3.2 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- a) Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless a technical evaluation demonstrates that encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- b) If section 5.3 a) is satisfied, all new construction and substantial improvements must comply with section 5.0 PROVISIONS FOR FLOOD HAZARD REDUCTION.
- c) In all areas of special flood hazard in which base flood elevation data has been provided and no floodway has been designated, the accumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than two-tenths (0.2) of a foot at any point.

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.

2016-18 First Reading and Introduction – An Ordinance Amending and Supplementing Subsection 28-3-11, Entitled “AA Active Adult Age-Restricted Housing,” of Section 28-3, “Districts Established,” of Chapter 28, “Zoning,” of the “Revised General Ordinances of the Borough of Hightstown, New Jersey.”

Council President Hansen moved Ordinance 2016-18 for introduction; Councilmember Bluth seconded.

Mr. Raffetto advised Council that this Ordinance had already been discussed by the Planning Board. The changes made are in compliance with the State and Federal regulations. We have taken out specific restrictions to allow Enchantment flexibility while being in step with State regulations.

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

Ordinance introduced 6-0. Public Hearing scheduled for June 20, 2016. The Deputy Clerk will forward to the Planning Board for approval before adoption.

Ordinance 2016-18
*BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY*

**AN ORDINANCE AMENDING AND SUPPLEMENTING SUBSECTION 28-3-11, ENTITLED “AA
ACTIVE ADULT AGE-RESTRICTED HOUSING,”
OF SECTION 28-3, “DISTRICTS ESTABLISHED; ZONING MAP,”
OF CHAPTER 28, “ZONING,” OF THE “REVISED GENERAL ORDINANCES
OF THE BOROUGH OF HIGHTSTOWN, NEW JERSEY.”**

WHEREAS, the “Enchantment at Hightstown” (also referenced as the “Enchantment”) is an 88-unit, age restricted, single family residential community located on property known as Block 1, Lots 1, 5, 6 and 7; Block 10, Lots 10, 11 and 12; and Block 11, Lots 1, 21 and 22 (collectively referenced as the “Development”) in the Borough of Hightstown; and

WHEREAS, the Development is located within the “AA Active Adult Age-Restricted Housing” Zoning District within the Borough, and comprises all of the real properties located within said Zoning District; and

WHEREAS, the regulations associated with the “AA Active Adult Age-Restricted Housing” Zoning District are located in Subsection 28-3-11 of the Borough Code; and

WHEREAS, at the request of the Enchantment Homeowner’s Association, the Hightstown Borough Council has agreed to modify the existing language of certain provisions currently contained within the Borough Code.

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

1. That Subsection 28-3-11, entitled “AA Active Adult Age-Restricted Housing,” of Section 28-3, “Districts Established; Zoning Map,” of Chapter 28, “Zoning,” of the “Revised General Ordinances of the Borough of Hightstown, New Jersey,” is hereby amended and supplemented in the following:

28-3-11 AA Active Adult Age-Restricted Housing

a. Minimum Tract Size.

Active Adult Age-Restricted Housing developments are permitted on tracts of land at least thirty (30) acres in size within the “AA” zoning district.

b. Age Restrictions.

1. The use and occupancy of all dwelling units within an age-restricted housing development shall comply in all respects with the requirements of the Federal “Housing for Older Persons Act” of 1995 (“HOPA”), the Federal Fair Housing Act, and the New Jersey Fair Housing Act of 1985, as said statutes exist now or as they may be amended in the future.

[NO FURTHER REVISIONS TO BE MADE TO THE EXISTING LANGUAGE OF SUBSECTION 28-3-11.]

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

3. That in the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to that portion of the Ordinance actually adjudged to be invalid, and the remaining portions of this Ordinance shall be deemed severable therefrom and shall not be affected.

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

RESOLUTIONS

Resolution 2016-122 Authorizing Payment of Bills

Councilmember Stults requested that Purchase Order #16-00454 for George Connelly Electric be pulled from the Bill List and voted on separately.

Councilmember Kurs moved Resolution 2016-122 as amended; Council President Hansen seconded.

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

Councilmember Kurs moved P.O. #16-00454 for payment; Councilmember Bluth voted yes.

Councilmembers Bluth, Hansen, Kurs, Misiura and Montferrat voted yes; Councilmember Stults abstained.

Resolution adopted. 5-0 with 1 abstention.

Resolution 2016-122

*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 \$814,516.00 from the following accounts:

Current		\$760,470.34
W/S Operating		35,042.25
General Capital		13,795.00
Water/Sewer Capital		0.00
Grant		0.00
Trust		2,136.25
Housing Trust		2,805.96
Animal Control		88.70
Law Enforcement Trust		0.00
Housing Rehab Loans		0.00
Unemployment Trust		0.00
Escrow		<u>177.50</u>
Total		<u>\$814,516.00</u>

Resolution 2016-123 Awarding a Contract for Rehabilitation of Well No. 1 – A.C. Shultes, Inc.

Councilmember Kurs moved Resolution 2016-123; Councilmember Stults seconded.

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

Resolution adopted 6-0.

Resolution 2016-123

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

**AWARDING A CONTRACT FOR REHABILITATION OF WELL NO. 1- A.C.
SHULTES, INC.**

WHEREAS, two (2) bids were received on May 3, 2016 for the Rehabilitation of Well No. 1 for the Advanced Wastewater Treatment Plant (AWWTP) in Hightstown Borough; and

WHEREAS, the bids have been reviewed by the Borough Engineer and it is the Engineer's recommendation that a contract for the Rehabilitation of Well No. 1 be awarded to the low bidder, A.C. Schultes, Inc., of Woodbury Heights, New Jersey at the price of \$95,240.00; and

WHEREAS, this project is funded by the New Jersey Environmental Infrastructure Trust, the award of this contract is conditional upon approval by the New Jersey Department of Environmental Protection; and,

WHEREAS, the Borough Attorney has reviewed the bid and has determined that the bid submitted by A.C. Shultes, Inc. is in order with respect to legal compliance; and

WHEREAS, funds for this project are being made available through Bond Ordinance 2016-14.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the contract for the Rehabilitation of Well No. 1 for the Advanced Wastewater Treatment Plant (AWWTP) is hereby awarded to A.C. Shultes, Inc. of Woodbury Heights, New Jersey in the amount of \$95,240.00, upon approval by the New Jersey Department of Environmental Protection.

Resolution 2016-124 Awarding a Contract for Rehabilitation of Detention Tanks – G. Meyer Group, Inc.

Councilmember Bluth moved Resolution 2016-124; Councilmember Montferrat seconded.

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

Resolution adopted 6-0.

Resolution 2016-124
*BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY*

**AWARDING A CONTRACT FOR REHABILITATION OF DETENTION TANKS – G.
MEYER GROUP, INC.**

WHEREAS, five (5) bids were received on May 3, 2016 for the Rehabilitation of the Detention Tanks for the Advanced Wastewater Treatment Plant (AWWTP) in Hightstown Borough; and

WHEREAS, the bids have been reviewed by the Borough Engineer and it is the Engineer's recommendation that a contract for the Rehabilitation the Detention Tanks be awarded to the low bidder, The G. Meyer Group, Inc. of Bradley Beach, NJ at the price of \$133,804.50; and

WHEREAS, this project is funded by the New Jersey Environmental Infrastructure Trust, the award of this contract is conditional upon approval by the New Jersey Department of Environmental Protection; and,

WHEREAS, the Borough Attorney has reviewed the bid and has determined that the bid submitted by The G. Meyer Group, Inc. is in order with respect to legal compliance; and

WHEREAS, funds for this project are being made available through Bond Ordinance 2016-14.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the contract for the Rehabilitation of the Detention Tanks for the Advanced Wastewater Treatment Plant (AWWTP) is hereby awarded to The G. Meyer Group, Inc. of Bradley Beach, NJ in the amount of \$133,804.50, upon approval by the New Jersey Department of Environmental Protection.

Resolution 2016-125 Authorizing the Sale of Surplus of Personal Property No Longer Needed for Public Use to Sarver Volunteer Firefighters Relief Association

Councilmember Kurs moved Resolution 2016-125; Council President seconded.

Borough Administrator, Henry Underhill, explained how we came up with the amount of \$30,000. Mr. Underhill explained that we had previously placed the fire truck in an on-line auction specifically for fire trucks. The highest bid received was for \$9,000. Council thought this was too low. Through contacts at the fire department, we found the fire company in Pennsylvania. Sarver Fire Company came to physically look at the truck and made an initial offer of \$22,000. After negotiations, the final amount agreed upon was \$30,000. Mr. Underhill went on to explain that the truck is 27 years old but is not considered an antique. The value drops significantly after 25 years.

After discussion, it was agreed upon to continue with the sale of the truck to the Sarver Volunteer Firefighters Relief Association.

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

Resolution adopted 6-0.

Resolution 2016-125
*BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY*

**AUTHORIZING THE SALE OF SURPLUS OF PERSONAL PROPERTY NO
LONGER NEEDED FOR PUBLIC USE TO SARVER VOLUNTEER FIREFIGHTERS
RELIEF ASSOCIATION**

WHEREAS, Resolution 2015-285 stated that the Borough of Hightstown had determined that the property described as a 1988 Federal Ladder Truck, VIN #1F9DBBA83K1037684 was no longer needed for public use; and

WHEREAS, the Borough of Hightstown utilized the online auction services of Brindlee Mountain Fire Apparatus located at www.firetruckmall.com; and

WHEREAS, no acceptable bids were received through the online auction service; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-36) authorizes the sale of personal property no longer needed for public use to any governmental agency unit in the United States; and

WHEREAS, the Sarver Volunteer Firefighters Relief Association of Sarver, Pennsylvania has expressed an interest in purchasing the 1988 Federal Ladder Truck; and

WHEREAS, the Borough of Hightstown feels that the sale of the 1988 Federal Ladder Truck to the Sarver Volunteer Firefighters Relief Association would benefit both communities.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Hightstown in the County of Mercer, State of New Jersey, that the Borough is hereby authorized to sell the 1988 Federal Ladder Truck, VIN #1F9DBBA83K1037684 as declared surplus personal property no longer needed for public use to the Sarver Volunteer Firefighters Relief Association, Sarver, Pennsylvania, for the amount of \$30,000

Resolution 2016-126 Resolution of Compliance Regarding the 2014 Audit

Councilmember Montferrat moved Resolution 2016-126; Council President Hansen seconded.

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

Resolution adopted 6-0.

Resolution 2016-126

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

RESOLUTION OF COMPLIANCE REGARDING THE 2014 AUDIT

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2014 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, at a minimum, the sections of the audit entitled:

**General Comments
Recommendations**

; and

WHEREAS, the members of the governing body have personally reviewed at a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

**General Comments
Recommendations**

as evidenced by the group affidavit form of the governing body; and

WHEREAS, such resolution of certification shall be adopted by the governing body no later than forty-five (45) days after receipt of the annual audit, as per the regulations of the Local Finance Board; and

WHEREAS, all members of the governing body have received and have familiarized themselves with at least the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid, and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 - to wit:

R.S. 52:27BB-52 - A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the Director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE, BE IT RESOLVED that the governing body of the Borough of Hightstown hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Resolution 2016-127 Resolution Approving the 2014 Annual Audit Corrective Action Plan and Authorizing the Filing of Said Plan with the Division of Local Government Services

Councilmember Kurs moved Resolution 2016-127; Council President Hansen seconded.

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

Resolution adopted 6-0.

Resolution 2016-127

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

**RESOLUTION APPROVING THE 2014 ANNUAL AUDIT CORRECTIVE ACTION
PLAN AND AUTHORIZING THE FILING OF SAID PLAN WITH THE DIVISION OF
LOCAL GOVERNMENT SERVICES**

WHEREAS, the Borough of Hightstown is required, pursuant to the Single Audit Act Amendments of 1996, to prepare a Corrective Action Plan based on the findings and recommendations contained in the Annual Audit for 2014; and

WHEREAS, the Borough is required to submit a Corrective Action Plan to the Division of Local Government Services as part of the annual audit process, and to file a copy of said Plan with the Borough Clerk; and

WHEREAS, the Borough Council has received the 2014 Annual Audit – Corrective Action Plan.

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

1. That the 2014 Annual Audit – Corrective Action Plan, a copy of which is attached hereto and incorporated herein by reference, is hereby approved.

2. That the proper Borough officials are hereby authorized and directed to file said Corrective Action Plan with the Division of Local Government Services, and to file a copy in the Borough Clerk's office.

Resolution 2016-128 Awarding Architectural Services for Various Municipal Projects

Borough Administrator, Henry Underhill, informed Council that he received 3 proposals for preliminary architectural services for the municipal building and the police department. He had received the last proposal today so there was not enough time to thoroughly review and compare the proposals.

After discussion, it was agreed that there were still many questions and more information was needed before Council could authorize a contract.

Councilmember Bluth moved to table Resolution 2016-128; Councilmember Stults seconded.

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

Resolution tabled 6-0.

Resolution 2016-128

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

AWARDING ARCHITECTURAL SERVICES FOR VARIOUS MUNICIPAL PROJECTS

RESOLUTION FORTHCOMING

CONSENT AGENDA

Consent Agenda – Resolutions 2016-129; 2016-130; 2016-131; 2016-132

Councilmember Kurs moved Resolutions 2016-129; 2016-130; 2016-131; 2016-132 as a consent agenda; Councilmember Stults seconded.

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

Resolutions adopted 6-0.

Resolution 2016-129

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

**SUPPORTING AND AUTHORIZING A GRANT APPLICATION BETWEEN
HIGHTSTOWN BOROUGH AND THE STATE OF NEW JERSEY BY AND
FOR THE DEPARTMENT OF ENVIRONMENTAL PROTECTION STATE
FORESTRY SERVICE**

WHEREAS, the governing body of the Borough of Hightstown desires to further the public interest by obtaining a grant from the State of New Jersey in the amount of \$3,000 to fund the 2016 Green Communities Grant, Community Forestry Management Plan; and

WHEREAS, the Hightstown Borough Council authorizes and hereby agrees to match 50% of the Total Project Amount, in compliance with the match requirements of the agreement. The availability of the match for such purposes, whether cash, services, or property is hereby certified; and

WHEREAS, 100% of the match will be made up of in-kind services; and

WHEREAS, the Grantee agrees to comply with all applicable federal, State and municipal laws, rules and regulations in its performance pursuant to the agreement.

THEREFORE, the governing body of the Borough of Hightstown resolves that Lawrence D. Quattrone or the successor to the office of Mayor is authorized to (a) make application for such a grant and (b) if awarded to execute a grant agreement with the State for a grant in an amount of not more than \$3,000, and (c) to execute any amendments thereto which do not increase the Grantee's obligations.

Resolution 2016-130

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

**A RESOLUTION IN SUPPORT OF SENATE BILL S-2254 AND ASSEMBLY BILL A-3821 WHICH
AFFIRMS THE LEGISLATIVE INTENT OF THE FAIR HOUSING ACT**

WHEREAS, the Borough of Hightstown supports the provision of affordable housing in a reasonable, rational and achievable way, consistent with economic realities and sound planning; and

WHEREAS, pursuant to the March 2015 New Jersey Supreme Court order which transferred oversight of the Fair Housing Act (FHA) to the courts, hundreds of municipalities filed declaratory judgment actions to voluntarily comply with their State imposed affordable housing requirements; and

WHEREAS, recently the Ocean County Superior Court included a distinct "gap period" analysis retroactively over an additional 16 year period, separate and apart from the normal 10 year present and prospective need; and

WHEREAS the Fair Housing Act (FHA) and existing case law, requires that "present and prospective fair share of the housing need in a given region ... shall be computed for a 10-year period." [N.J.S.A. 52:27D-307(c)]; and

WHEREAS, the "gap issue" arises out of COAH's inability to promulgate third round regulations from 1999 to the present or make any final determination as to state and regional housing need, as well as constant litigation by certain groups; and

WHEREAS, any retroactive "gap" obligations could have significant and unfunded impacts on municipalities, may double count households under both present and prospective need and will likely result in forcing municipalities and their property taxpayers to subsidize development; and

WHEREAS, Senate Bill S-2254 sponsored by Senators Greenstein and Bateman and Assembly Bill A-3821, sponsored by Assemblymen DeAngelo and Benson, re-affirm the legislative intent of the Fair Housing Act so as to preclude significant, unfair impacts and instead progress toward a more rational statewide housing policy, including reasonable and achievable obligations for municipalities, facilitate municipal compliance and the provision of affordable housing.

NOW, THEREFORE, BE IT RESOLVED, by the Hightstown Borough Council in the County of Mercer, New Jersey, that:

1. Hightstown Borough strongly urges New Jersey Legislators to reaffirm the legislative intent of the Fair Housing Act (FHA) immediately and clarify that affordable housing need is the sum of present and prospective need for a ten year period.
2. Hightstown Borough supports Senate Bill S-2254 and Assembly Bill A-3821.
3. Copies of this resolution be distributed to the Governor and Lieutenant Governor, the President of the New Jersey Senate, the Speaker of the New Jersey General Assembly, the Legislative Sponsors, Senator Linda Greenstein, Assemblyman Wayne DeAngelo and Assemblyman Daniel Benson, Senator Jeff Van Drew, Senator Ronald Rice, Assemblyman Jerry Green and Assemblywoman Mila Jasey and the New Jersey League of Municipalities.

Resolution 2016-131

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

AUTHORIZING A REFUND BULK FOR GARBAGE FEE

WHEREAS, Aaron Byrne of 43 Pemberton Lane, East Windsor, New Jersey paid for six (6) bulk stickers for bulk garbage pickup scheduled for May 31, 2016 with payment in the form of cash in the amount of \$30.00; and

WHEREAS, \$30.00 was deposited into account #6-01-08-105-600; and

WHEREAS, the property for the bulk garbage pickup is not located in the Borough of Hightstown; and

WHEREAS, the Department of Public Works has requested that a refund of the \$30.00 paid for said bulk garbage stickers be issued.

BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Finance Department is hereby authorized and directed to issue a refund in the amount of \$30.00 to Aaron Byrne of 43 Pemberton Lane, East Windsor, New Jersey, 08520, for bulk garbage stickers as stated herein.

Resolution 2016-132

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

RESOLUTION CANCELLING WATER-SEWER CAPITAL IMPROVEMENT

APPROPRIATION BALANCES

WHEREAS, certain Water-Sewer Capital Improvement appropriation balances remain dedicated to projects now completed; and

WHEREAS, it is necessary to formally cancel said balances so that the unexpended balances may be credited to Water-Sewer Capital Fund Balance;

NOW, THEREFORE, BE IT RESOLVED, by the council of the Borough of Hightstown, County of Mercer that the following unexpended and dedicated balances of Water-Sewer Capital Appropriations be canceled:

Ord. No.	Date Auth.	Project Description	Funded	Unfunded
			Capital Fund Balance	Deferred Charges to Future Revenue
01-01	2/22/2001	Various Water Upgrades	\$ 4,978.87	\$ -
01-11, 03-11	8/9/2001	Water Improvements Dey/Outcalt Street	9,143.09	
02-16	9/3/2002	Water-Sewer Improvements	46,280.52	200.00
03-19	7/10/2003	Construction of Elevated Water Tower	5,369.57	
03-26	9/2/2003	Construction of Backwash Water Recovery Tank	9,000.00	
04-18	9/7/2004	Water-Sewer Improvements	4,001.99	
06-06, 06-25	2/21/2006	Water-Sewer Improvements	6,905.26	
06-18	8/7/2006	Acquisition of Water Meters	-	
07-02	2/20/2007	Water-Sewer Imp. Morrison and Outcalt	4,713.49	
10-01	2/1/2010	Water-Sewer Improvements - Leshin Lane.		49,500.00
TOTAL			\$ 90,392.79	\$ 49,700.00

PUBLIC COMMENT PERIOD II

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

Scott Caster, 12 Clover Lane – Stated that although he is in favor of the business licensing ordinance because of questionable businesses and so the Borough knows who to contact in an emergency the ordinance as presented is too far reaching. There is no way to enforce it. Changes need to be made to the ordinance before it is adopted.

Eugene Sarafin, 628 South Main Street – Stated that the purpose of the business licenses should be to gather information so we need to lower the fee. He spoke regarding the Architectural Services and stated that we should not be wasting money on these services we should be taking the insurance company to court.

Doug Mair, 536 South Main Street – Thanked council for answering questions that the public asked this evening and looks forward to an answer regarding the minutes. Went on to state that he doesn't think the smoke free ordinance is a good idea. The littering ordinance should cover the cigarette butts in the stream. Continued by talking about banning prayer and the Pledge of Allegiance in schools. The symbol of our Country is great. With the discussion of the Flag Ordinance forthcoming, please provide instruction on the proper way to display the American Flag. It is a dishonor and a disgrace to those who have sacrificed so much.

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

DISCUSSION

No Smoking in Hightstown Parks

There has been discussion regarding banning smoking in Hightstown Parks.

Councilmember Kurs – Stated that he is on the fence regarding this ordinance. Smoking is already prohibited in buildings. Commented that the littering laws could be enforced to prevent the cigarette butt issue. Ended by stating that government should not overreach their authority.

Councilmember Stults – Stated that he agrees with Councilmember Kurs.

Councilmember Bluth – As a smoker she has mixed feelings on this ordinance. She doesn't think we should move forward on an ordinance.

Councilmember Montferrat – Stated that this is a public health issue. Second hand smoke makes people prone to heart disease, stroke and lung cancer. From a public health perspective, we should introduce an ordinance.

Councilmember Misiura – Stated that he is in favor of this ordinance. You can enjoy your rights until they start to infringe on the rights of others.

Council President Hansen – Stated that she is in favor of this ordinance. Most of what is happening in the parks are healthy activities and people are not smoking much there anyway.

Mayor Quattrone – Stated that we would need receptacles for the cigarette butts. He also pointed out that our parks do not have specified entrances so placement of signage would need to be considered.

After further discussion it was decided this will be a discussion item on the July 18, 2016 agenda. Health Officer, Jill Swanson, will be contacted to bring forward sample ordinances and additional information.

Proposed Changes to the Flag Ordinance from the Planning Board

The Planning Board forwarded an ordinance amending flags in the business district. The proposed changes would ban businesses from having commercial flags.

Discussion ensued. It was stated that the purpose of this ordinance was to try and eliminate the clutter of a business having an A-Frame Sign, a Projection Sign and a Flag. Let a business flag be one option. Councilmember Stults will speak with Construction Official, George Chin, on revising this ordinance before it comes back to Council or brought to the Planning Board.

MAYOR/COUNCIL/ADMINISTRATIVE REPORTS

Councilmember Bluth

Parks & Recreation – Work is moving forward on the Triathlon schedule for 9/11/16. There are Yoga and Pilates events planned for Association Park. Their next meeting is next Thursday.

Cultural Arts Commission – They are planning a Halloween fundraiser. More information to follow.

Councilmember Montferrat

Board of Health – Their next meeting is Wednesday. He will bring Council’s concerns regarding the Smoke Free Parks ordinance.

Historic Preservation Commission – Amending the ordinance will help with making a quorum for meetings. They are still looking for members if anyone is interested.

Councilmember Misiura

Fire Department – Will meet later this week.

Planning Board – Meets again next Monday.

Councilmember Stults

Downtown Hightstown – Will meet again next week.

Councilmember Kurs

Memorial Day Parade – Thanked all the volunteers for a wonderful event. There was a reduction in participation due to the rain. Reminded everyone that tomorrow is Primary Day and that all districts vote here at the Firehouse.

Council President Hansen

No comments.

Borough Administrator, Henry Underhill

Walking Bridge – Carmela Roberts, Borough Engineer, received a call from the DOT after a newspaper article regarding the Walking Bridge was published. DOT wanted to schedule a meeting. After some discussion, it was decided that Mr. Underhill will make arrangements for a meeting at the DOT office in Trenton. This meeting will include Carmela Roberts, Henry Underhill, Mayor Quattrone, Council President Hansen and Councilmember Montferrat.

George Lang, CFO

Discussed the sale of Bond Anticipation Notes.

Fred Raffetto, Borough Attorney

Addressed Mr. Mair’s question regarding minutes. In regard to Paff v. Keyport the literal words of the Open Public Meetings Act state the minutes shall be promptly available to the public. The case that Mr. Mair referred to is only binding inside of Monmouth County, but he will do more research to see how it would pertain to Hightstown.

Peggy Riggio, Deputy Borough Clerk

Primary Day – Reminded everyone that tomorrow is Primary Day in New Jersey. Polls are open from 6 a.m. – 8 p.m. All district polling places are located here at the Fire House Hall.

Debra Sopronyi – Informed everyone that Debbie had her knee replacement surgery earlier in the day and that the surgery went well.

Minutes – Minutes are to be reasonably comprehensible and should show what was done at a meeting not what was said. They should be made available promptly after a meeting. The Council Meeting minutes are almost always approved within one month from the meeting, most of the time within two weeks (the next meeting). Once approved they are immediately posted to the website for the public.

Mayor Quattrone

Memorial Day Parade – Thanked everyone for all their help. Always looking for volunteers for next year. Out of 38 units registered 24 showed up to march. Because of the weather there was confusion as to whether or not the parade was on.

Downtown Business Meeting – Next business meeting is scheduled for June 13th at OPG Architects.

ADJOURNMENT

Council President Hansen motioned to adjourn at 9:34 p.m. Councilmember Montferrat seconded. All ayes.

Respectfully Submitted,

Margaret M. Riggio
Deputy Borough Clerk