

**Meeting Minutes
Hightstown Borough Council
September 5, 2017
7:00 p.m.**

The meeting was called to order by Mayor Quattrone at 7:00 p.m. 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>		ARRIVED AT 7:13 P.M.
<i>Mayor Quattrone</i>	✓	

Also in attendance: Margaret (Peggy) Riggio, Deputy Borough Clerk; Debra Sopronyi Borough Clerk/Administrator and Fred Raffetto, Borough Attorney.

EXECUTIVE SESSION

Resolution 2017-160 Authorizing a Meeting that Excludes the Public

Councilmember Kurs moved Resolution 2017-160; Councilmember Hansen seconded.

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

Resolution adopted 5-0.

Resolution 2017-160

*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 September 5, 2017 at 7:00PM 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:

Personnel – Water and Waste Water Treatment Utilities

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: December 5, 2017, 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 7:03 p.m. and again read the Open Public Meetings Statement.

Council President Stults arrived during Executive Session and is now present. Carmela Roberts, Borough Engineer, arrived after executive session and is now present.

The Flag Salute followed roll call.

APPROVAL OF AGENDA

Councilmember Kurs moved the Agenda for approval; Councilmember Hansen seconded.

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

Agenda approved 6-0.

APPROVAL OF MINUTES

Councilmember Bluth moved the August 21, 2017 Executive Session Minutes for approval; Councilmember Kurs seconded.

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

Minutes approved 6-0.

Councilmember Misiura moved the August 21, 2017 Public Session Minutes for approval; Councilmember Montferrat seconded.

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

Minutes approved 6-0.

PUBLIC COMMENT I

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

Eugene Sarafin, 628 South Main Street – Spoke regarding the Memorandum of Understanding with Robbinsville, thinks this is a good idea and happy that we are moving forward with this. Stated that the yellow striping on Rogers

and Mercer looks nice

Scott Caster, 12 Clover Lane – Spoke regarding the Memorandum of Understanding with Robbinsville and questioned is it really in the best interest of Hightstown? Hightstown does not have its own building to serve the public. He feels this is wrong and that the Borough is going backwards.

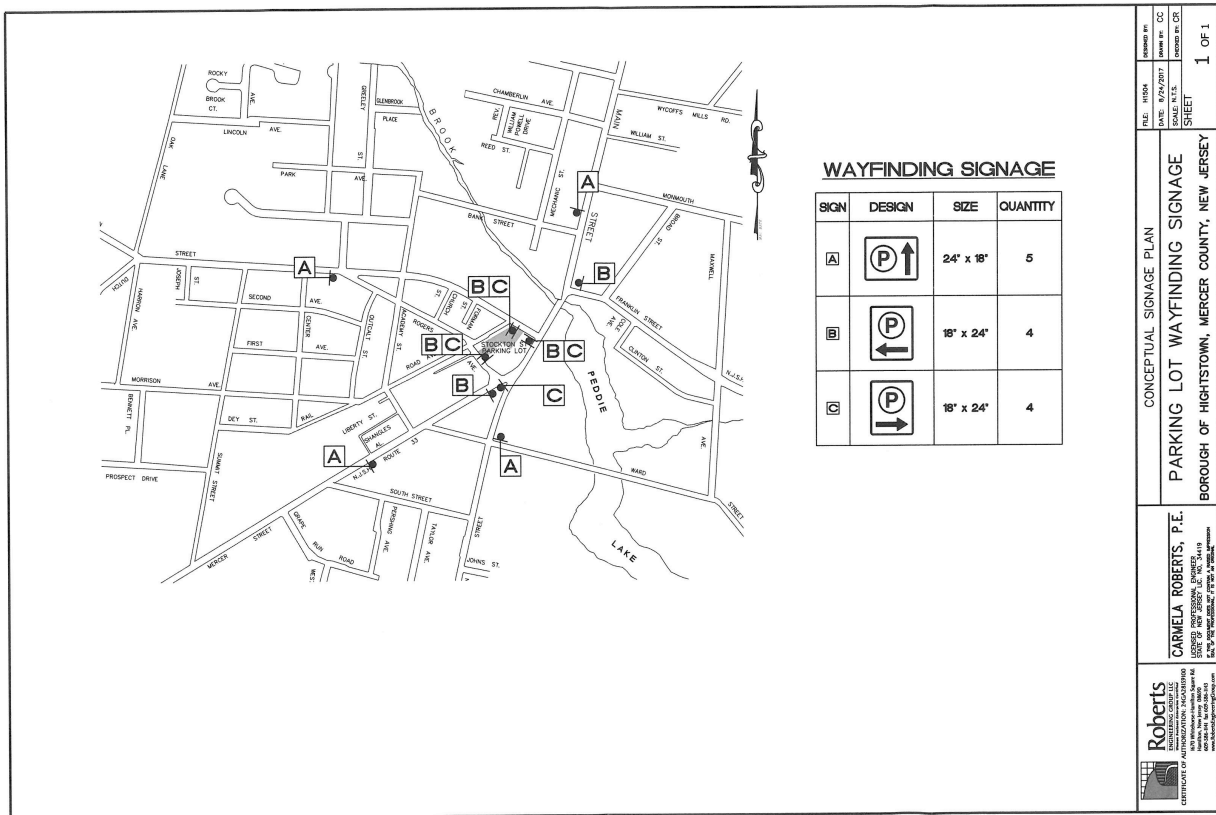
There being no further comments, Mayor Quattrone closed the public comment period.

ENGINEERING ITEMS

Joseph Street, Spruce Court and Manlove Street Repairs

Carmela Roberts, Borough Engineer, reviewed her letter of August 29, 2017. She explained that Spruce Court and Manlove Avenue are two isolated roads in poor condition that serve few residents. She does not recommend submitting either of these roads as a future NJDOT grant applications as this will likely be rejected due to the low number of households which will benefit from the improvements. Joseph Street was awarded funding through a Safe Routes to School (SRTS) grant application. The original application included new curbs along both sides of the road, sidewalks along the west side and repaving between Stockton Street and Second Avenue. Since then, the Borough installed a new water main which has further deteriorated the roadway. After a kick-off meeting in January of 2017, the Borough was notified that the paving of Joseph Street was no longer included in the scope of work. Ms. Roberts estimates the cost for all three roads would be \$163, 205.00. Discussion ensued. It was agreed that Joseph Street needs to be a priority because of the condition of the road. Ms. Roberts explained that the smaller roads will need to be included in larger projects if the Borough would like to consider them for NJDOT grants. After discussion, it was agreed that the Borough would move forward with Joseph Street and Manlove Street paving. Spruce Court would be put on hold until a future time. During the discussion sidewalks and road conditions for Springcrest and Taylor Avenue were brought up. Council requested that Ms. Roberts compile a list of Streets in town that are in need of road and sidewalk repair.

Downtown Directional Parking Signs Carmela Roberts, Borough Engineer, reviewed her letter of August 30th regarding Wayfinding Signage for Parking Lots. Ms. Roberts explained NJDOT specifications for signage and reviewed the Conceptual Signage Plan (attached herewith). Discussion ensued. Council voiced concerns regarding the “A” signs being too far away from downtown. There were also concerns that too many signs would contribute to sign pollution downtown. After further discussion, it was agreed to move forward with the “B” and “C” signs. Borough Administrator Sopronyi informed Council that the cost for the signs will be put into the DPW budget for 2018.



Municipal Aid Grant

Ms. Roberts reviewed her letter dated August 22, 2017 regarding the NJDOT Application for Municipal Aid Grant FY2018. The two projects being considered are 1) Improvements to Lincoln Avenue, Hagemont Avenue and Rocky Brook Court and 2) Improvements to Hausser Avenue, Bennett Place and Prospect Drive. Ms. Roberts informed Council that Ken Lewis, Public Works Superintendent, recommended option #1. Discussion ensued. Council authorized Ms. Roberts to move forward the NJDOT Application for option #1 – Improvements to Lincoln Avenue, Hagemont Avenue and Rocky Brook Court.

Route 33 Truck Traffic

Ms. Roberts spoke regarding the continuing complaints received regarding truck traffic in downtown. She stated that 102 inch tracker trailers are banned but regular, 96 inch tracker trailers, are permitted in the Borough. She also stated that the NJDOT maps need to be updated to direct trucks towards Route 133. Signs are needed on Route 130

to direct the trucks towards Route 133. Discussion ensued. Council had instructed Ms. Roberts to find out if a size or weight limit can be placed on trucks coming through the Borough on County Roads.

ORDINANCES

Ordinance 2017-12 Final Reading and Public Hearing – Bond Ordinance Providing for Various Capital Improvements in and by the Borough of Hightstown, in the County of Mercer, New Jersey, Appropriating \$268,000 Therefor and Authorizing the Issuance of \$248,860 Bonds or Notes of the Borough to Finance Part of the Cost Thereof

Mayor Quattrone opened the public hearing for Ordinance 2017-12 and the following individuals spoke:

There being no one coming forward, the Mayor closed the public hearing.

Councilmember Hansen moved Ordinance 2017-12 for adoption; Councilmember Montferrat seconded.

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

Ordinance adopted 6-0.

Ordinance 2017-12

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

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$268,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$248,860 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF 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 several improvements described in Section 3 of this bond ordinance are hereby respectively authorized to be undertaken by the Borough of Hightstown, in the County of Mercer, New Jersey (the "Borough") as general improvements. For the several improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$268,000, including a \$6,500 federal grant (the "Grant") for the acquisition of body cameras for the Police Department, as more specifically described in Section 3(a) hereof, and further including the aggregate sum of \$12,640 as the several down payments for the improvements or purposes required by the Local Bond Law. The down payments have been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments and the Grant, negotiable bonds are hereby authorized to be issued in the principal amount of \$248,860 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. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

<u>Purpose</u>	<u>Appropriation & Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds & Notes</u>	<u>Period of Usefulness</u>
a) Acquisition of sports utility vehicles and related equipment, body cameras* and computer related equipment for the Police Department, stalker radar units and modems for computers, including all related costs and expenditures.	\$135,000 (*Includes the Grant for body cameras)	\$122,300	5 years
b) Acquisition of a dump truck with sander and plow and various equipment for the Department of Public Works, including all related costs and expenditures.	\$77,000	\$73,300	5 years
c) Acquisition of equipment for the Fire Department, including, but not limited to, turnout gear, including all related costs and expenditures.	\$51,000	\$48,500	5 years
d) Acquisition of file cabinets for the Municipal Court, including all related costs and expenditures incidental thereto.	\$ <u>5,000</u>	\$ <u>4,760</u>	10 years
TOTAL:	\$<u>268,000</u>	\$<u>248,860</u>	

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the down payment for each purpose.

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 improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are all improvements or purposes that the Borough may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 5.09 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 \$248,860, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$11,020 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 purposes or improvements.

(e) Any action taken prior to the date of adoption of this bond ordinance in furtherance of the several improvements or purposes described in Section 3, including but not limited to, expenditures of funds appropriated hereby, are hereby ratified, confirmed and approved.

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 or improvements described in Section 3 of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

Section 8. Any grant moneys received for the purposes or improvements described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or, if other than as referred to in Section 1 hereof, 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 9. 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 @Rule@) 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 10. 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 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Ordinance 2017-13 First Reading and Introduction – Amending Chapter 7, Entitled “Traffic”, of the Revised General Ordinances of the Borough of Hightstown, Regarding Parking Regulations in Municipal Parking Lots

Council President Stults moved Ordinance 2017-13 for Introduction; Councilmember Montferrat seconded.

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

Ordinance introduced 6-0. Public hearing scheduled for September 18, 2017

ORDINANCE 2017-13

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

**AMENDING CHAPTER 7, ENTITLED “TRAFFIC”, OF THE REVISED GENERAL ORDINANCES OF
THE BOROUGH OF HIGHTSTOWN, REGARDING PARKING REGULATIONS IN MUNICIPAL
PARKING LOTS**

WHEREAS, on July 17, 2017, the Hightstown Borough Council adopted Ordinance No. 2017-07 in order to revise the parking regulations associated with the Stockton Street Parking Lot, and to amend and supplement the provisions of Subsection 7-37-1 of the Borough Code accordingly; and

WHEREAS, it has been determined that further revisions are necessary in order to supplement those made in Ordinance No. 2017-07.

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

1. Section 1. Subsection 7-37-1, “Regulation for the Movement and the Parking of Traffic on Municipal Property and Board of Education Property” is hereby amended and supplemented as follows (deletions in ~~strikeout~~ text, additions underlined):

Paragraph (a), “Definitions,” is hereby amended to add the following definitions:

“Revised Site Plan” shall be defined as the site plan dated August 24, 2017, prepared by Roberts Engineering Group, LLC, and titled “Permit Parking Plan – Stockton Street Parking Lot,” which is on file in the office of the Borough Clerk, a copy of which is attached to the within Ordinance and made a part hereof.

“Road ‘D’” is that portion of the Stockton Street parking lot delineated as such on the site plan dated August 24, 2017, prepared by Roberts Engineering Group, LLC, and titled “Permit Parking Plan – Stockton Street Parking Lot,” which is on file in the office of the Borough Clerk.

Paragraph (d). “Permit Parking,” is hereby amended as follows:

d. Permit Parking.

No person shall park a vehicle at the below-described locations unless said vehicle shall have a valid permit displayed. Said permit shall have been issued in accordance with the provisions of Section 7-37.1(h) herein.

Name of Street	Sides	Hours	Location
Stockton Street lot – Lot “E”	South	All	As indicated on the <u>revised</u> site plan
Stockton Street lot – Lot “B”	North	All	As indicated on the <u>revised</u> site plan

Paragraph (j). “Housing Authority Passenger Pick-up and Drop-off Zones”, is hereby established as follows:

j. Housing Authority Passenger Pick-up and Drop-off Zones.

The parking spaces marked with the numbers “00” as shown on the site plan dated August 24, 2017, prepared by Roberts Engineering Group, LLC, and titled “Permit Parking Plan – Stockton Street Parking Lot,” which is on file in the office of the Borough Clerk, are hereby designated as “Housing Authority Passenger Pick-up and Drop-off Zones,” and shall be reserved for that use only. There shall be a one (1) hour time limit associated with any parking in these specific designated spots.

Section 2. This Ordinance shall become effective immediately upon final passage and publication in accordance with the law.

Section 3. All other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 4. 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.

RESOLUTIONS

Resolution 2017-161 Authorizing Payment of Bills

Councilmember Montferrat moved Resolution 2017-161; Councilmember Hansen seconded.

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

Resolution adopted 4-0 with 2 abstentions.

Resolution 2017-161

*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 \$3,275,889.73 from the following accounts:

Current		\$3,040,624.55
W/S Operating		50,955.98
General Capital		0.00
Water/Sewer Capital		71,831.00
Grant		0.00
Trust		1,478.20
Housing Trust		111,000.00
Animal Control		0.00
Law Enforcement Trust		0.00
Housing Rehab Loans		0.00
Unemployment Trust		0.00
Escrow		<u>0.00</u>
Total		<u>\$3,275,889.73</u>

Resolution 2017-162 Authorizing a Memorandum of Understanding Between Hightstown Borough and Robbinsville Township for Negotiations Regarding a Police and Court Facility

Councilmember Kurs moved Resolution 2017-162; Council President Stults seconded.

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

Resolution adopted 6-0.

Resolution 2017-162
*BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY*

**AUTHORIZING A MEMORANDUM OF UNDERSTANDING BETWEEN HIGHTSTOWN BOROUGH
AND ROBBINSVILLE TOWNSHIP FOR NEGOTIATIONS REGARDING A POLICE AND COURT
FACILITY**

WHEREAS, Hightstown Borough (“Hightstown”) is in need of facilities for police and court operations (the “Services”); and

WHEREAS, Robbinsville Township (“Robbinsville”) is planning to build such a facility; and

WHEREAS, the Governing Bodies of both Robbinsville and Hightstown (the “Parties”) find that it would be in the best interests of the Parties to engage in negotiations relating to the proposed collective provision of the Services at the new facility to be constructed by Robbinsville through a Shared Services Agreement; and

WHEREAS, in furtherance thereof, the Parties have drafted the attached Memorandum of Understanding, which shall memorialize the steps to be undertaken and establish responsibilities as it relates to the negotiation of a Shared Services Agreement regarding the Services.

NOW, THEREFORE, BE IT RESOLVED, that the Hightstown Borough Council hereby authorizes the Mayor to execute, and the Clerk to attest, the attached Memorandum of Understanding with Robbinsville Township relating to the above.

MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING made this ____ day of _____, 2017, by and between:

THE BOROUGH OF HIGHTSTOWN ("Hightstown"), a municipal corporation of the State of New Jersey, with its temporary principal offices located at 156 Bank Street, Hightstown, New Jersey 08520; and

THE TOWNSHIP OF ROBBINSVILLE ("Robbinsville"), a municipal corporation of the State of New Jersey, with its principal offices located at 2298 Route 33, Robbinsville, New Jersey 08691.

(Hightstown and Robbinsville will be collectively referred to herein as the "Parties").

WHEREAS, subject to further negotiations, Robbinsville and Hightstown wish to enter into a Shared Services Agreement, pursuant to N.J.S.A. 40:A:65-1, *et seq.*, to build a joint Municipal Court and Police building(s) (the “Project”), which will house the Municipal Court and Police Department facilities (the “Services”) for both Parties; and

WHEREAS, the Governing Bodies of both Robbinsville and Hightstown find that it would be in the best interests of the Parties to engage in negotiations relating to the proposed collective provision of the Services through the said Shared Services Agreement; and

WHEREAS, the purpose of this Memorandum of Understanding is to memorialize the steps to be undertaken regarding said negotiations.

NOW, THEREFORE, the parties hereto wish to set forth in this Memorandum of Understanding their responsibilities as it relates to the negotiation of a Shared Services Agreement regarding the Project as follows:

1. The Parties will enter into negotiations immediately regarding the construction and financing of the proposed Project, with the intention of entering into a Shared Services Agreement within one hundred and twenty (120) days of this Memorandum of Understanding, such Agreement being subject to review and approval by the Governing Bodies of both Parties.
2. During such one hundred and twenty (120) time period, the Parties shall not solicit any other proposals for a Municipal Court or Police building(s) in their respective jurisdictions and shall engage in exclusive negotiations with each other regarding the Project.
3. If the parties are unable to negotiate a Shared Services Agreement during the one hundred and twenty (120) time period, both Parties shall, prior to the expiration of such one hundred and

twenty (120) days, report the status of the negotiations to their respective Governing Bodies and make a recommendation to their respective Councils, based upon which each Council shall determine, in its sole discretion, to either (a) extend the time for such negotiations for a reasonable period of time, if such extension is deemed likely to result in a satisfactory agreement, or (b) cease such negotiations.

4. Subject to the successful negotiation of the aforementioned Shared Services Agreement, the Parties will include construction of the building(s) and all related expenses associated with the Project in their respective budgets for 2018.

IN WITNESS WHEREOF, the Parties have caused this Agreement to be signed by their respective officers duly authorized, and have caused this Agreement to be dated as of the day and year written above.

ATTEST:

BOROUGH OF HIGHTSTOWN

Debra L. Sopronyi, Municipal Clerk

Lawrence Quattrone, Mayor

ATTEST:

TOWNSHIP OF ROBBINSVILLE

Michele Seigfried, Municipal Clerk

David Fried, Mayor

Resolution 2017-163 Appointing a Council Liaison to the Hightstown Housing Authority Commission

Councilmember Kurs moves Resolution 2017-163; Councilmember Montferrat seconded.

Mayor Quattrone explained that the liaison position on the Housing Authority is vacant and he asked for a volunteer to fill this position. Council President Stults volunteered to become the liaison.

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

Resolution adopted 6-0.

Resolution 2017-163

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

**APPOINTING A COUNCIL LIAISON TO THE HIGHTSTOWN HOUSING
AUTHORITY COMMISSION**

WHEREAS, there is a vacancy in the position of Council Liaison to the Hightstown Housing Authority Commission due to the resignation of Councilmember Hansen from the position; and

WHEREAS, the Mayor and Borough Council wish to appoint Charles (Lee) Stults to fulfill the position of Council

Liaison to the Hightstown Housing Authority for the remainder of 2017.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that Charles (Lee) Stults shall serve as the Council Liaison to the Hightstown Housing Authority Commission for the remainder of the year 2017.

CONSENT AGENDA

Councilmember Hansen moved Resolutions 2017-164; 2017-165; 2017-166 and 2017-167 as a Consent Agenda; Councilmember Misiura seconded.

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

Resolutions adopted 6-0.

Resolution 2017-164

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

AUTHORIZING REFUND OF A FEE FOR POLICE SERVICES

WHEREAS, Nelly S. Collaguazo paid a fee of \$190.00 on July 8, 2017 for Police Services associated with a parade to be held on August 13, 2017; and

WHEREAS, said parade was cancelled and police services were not required; and

WHEREAS, the applicant has requested a refund of the fees paid for police services associated with the cancelled parade .

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the CFO is hereby authorized to issue a refund in the amount of \$190.00 to Nelly S. Collaguazo, 20 Princeton Arms S, East Windsor, New Jersey 08512, representing the refund as set forth herein.

Resolution 2017-165

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

RESOLUTION AUTHORIZING THE BOROUGH OF HIGHTSTOWN TO ENTER INTO AN ESCROW AGREEMENT WITH HIGHTSTOWN DEVELOPMENT ASSOCIATES, LLC.

WHEREAS, Hightstown Development Associates, LLC (hereinafter referenced as the “Applicant”) is the record owner of the properties located at 20 Westerlea Avenue and 25 Westerlea Avenue in the Borough of Hightstown, County of Mercer, State of New Jersey (hereinafter referenced as the “Borough”), which properties are more commonly known and designated as Block 61.01, Lot 26 and Block 55, Lot 74, respectively, on the Tax Map of the Borough (hereinafter collectively referenced as the “Properties”); and

WHEREAS, a rental apartment complex comprised of approximately 200 individual units (the “apartment complex”) is situated at the Properties; and

WHEREAS, the Applicant is interested in exploring the feasibility of increasing the density (including but not limited to height) of the buildings at the apartment complex, which proposal may require amendments to the applicable zoning ordinances which govern the Properties and certain development approvals from various Borough agencies; and

WHEREAS, the Applicant is amenable to considering options at the Properties which could also accommodate the needs of the Borough, including but not limited to the provision of deed restricted affordable housing units in order to assist the Borough in satisfying its Third Round affordable housing obligation; and

WHEREAS, the exploration of the feasibility of these proposals will require the involvement and review of certain Borough professionals (thereby incurring professional fees), and may also involve various other costs, which will require the posting of escrow funds by the Applicant in order to cover the same; and

WHEREAS, the terms and conditions associated with this undertaking are set forth in an Escrow Agreement between the Borough and the Applicant, which Agreement is attached hereto and made a part hereof; and

WHEREAS, the Borough Council wishes to authorize the execution of the attached Escrow Agreement.

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

1. That the Mayor is hereby authorized to execute and the Borough Clerk to attest, the attached Escrow Agreement regarding the Properties.
2. That all Borough officials are hereby authorized and directed to undertake all actions necessary to further the intentions set forth in the attached Escrow Agreement.
3. That a certified copy of this Resolution shall be provided to each of the following:
 - a. Hightstown Development Associates, LLC
2050 Center Avenue
Suite 520
Fort Lee, New Jersey 07024
 - b. Leonard Coates, Esq.
 - c. Debra L. Sopronyi, Borough Administrator;
 - d. Brian M. Slauch, PP, AICP, Borough Planner;
 - e. Frederick C. Raffetto, Esq., Borough Attorney;
 - f. Jolanta Maziarz, Esq., Planning Board Attorney/Affordable Housing Counsel;
 - g. Ken Pacera, Tax Assessor;
 - h. George Lang, Borough CFO; and
 - i. Carmela Roberts, P.E., Borough Engineer.

ESCROW AGREEMENT

This **ESCROW AGREEMENT**, made this _____ day of _____, 2017, by and between

**THE BOROUGH OF HIGHTSTOWN,
A Municipal Corporation of the State of New Jersey
156 BANK STREET
HIGHTSTOWN, NEW JERSEY 08520
(also referenced as the "Borough")**

AND

**HIGHTSTOWN DEVELOPMENT ASSOCIATES, LLC,
A Limited Liability Company
2050 CENTER AVENUE, SUITE 520
FORT LEE, NEW JERSEY 07024
(also referenced as the "Applicant")**

WITNESSETH:

WHEREAS, the Applicant is the record owner of the properties located at 20 Westerlea Avenue and 25 Westerlea Avenue in the Borough, which properties are more commonly known and designated as Block 61.01, Lot 26 and Block 55, Lot 74, respectively, on the Tax Map of the Borough (hereinafter collectively referenced as the "Properties"); and

WHEREAS, a rental apartment complex comprised of approximately 200 individual units (the "apartment complex") is situated at the Properties; and

WHEREAS, the Applicant is interested in exploring the feasibility of increasing the density (including but not limited to height) of the buildings at the apartment complex, which proposal may require amendments to the applicable zoning ordinances which govern the Properties and certain development approvals from various Borough agencies; and

WHEREAS, the Applicant is amenable to considering options at the Properties which could also accommodate the needs of the Borough, including but not limited to the provision of

deed restricted affordable housing units in order to assist the Borough in satisfying its Third Round affordable housing obligation; and

WHEREAS, the exploration of the feasibility of these proposals will require the involvement and review of certain Borough professionals (thereby incurring professional fees), and may also involve various other costs, which will require the posting of escrow funds by the Applicant in order to cover the same; and

WHEREAS, the purpose of this Agreement is to set forth the terms and conditions associated with the posting of escrow fees by the Applicant and the expenditure of such fees by the Borough for this purpose.

NOW, THEREFORE, for good and valuable consideration, it is hereby agreed by and between the parties as follows:

1. The Applicant agrees to pay all fees and costs related to the Borough's review of its proposals, as specified above. Such fees and costs shall include all services rendered by the Borough's professionals, including but not limited to the Borough Engineer, the Borough Planner, and/or the Borough's legal counsel, as well as any other expenses reasonably necessary or incurred in connection with the review of the Applicant's proposals. The fees of the above-referenced Borough professionals shall be billed at standard hourly rates, pursuant to their respective contracts on file with the Borough.
2. Simultaneously with the execution of the within Agreement, the Applicant shall deposit the sum of Two Thousand Five Hundred Dollars (\$2,500.00) with the Borough, which sum shall be deposited into an interest-bearing account (the "Escrow Account"). The Escrow Account shall be utilized in order to pay the fees

and costs related to the Borough's review of the Applicant's proposals, as set forth in Paragraph 1 above.

3. On a monthly basis, the Borough shall provide invoices to the Applicant detailing the amount and basis for any professional fees rendered by Borough professionals relating to this matter and/or for any other costs associated with the Applicant's proposal. In the event of a dispute over one or more invoices, the Borough and the Applicant (collectively referenced as the "Parties") shall attempt to resolve same in good faith as soon as possible. If the Applicant does not dispute an invoice within ten (10) calendar days of its receipt of an invoice, then the Borough shall have the right to withdraw funds from the Escrow Account to pay the invoice. In the event that the Applicant disputes an invoice, then the Borough shall not withdraw any funds from the Escrow Account relating to that particular invoice unless and until the Parties have amicably resolved the dispute.
4. If and when the Escrow Account is drawn down to the sum of One Thousand Dollars (\$1,000.00), then the Applicant, upon the Borough's written request, shall, within fifteen (15) days thereafter, provide to the Borough for deposit in the Escrow Account funds sufficient to replenish the Escrow Account to the amount of Two Thousand Five Hundred Dollars (\$2,500.00) for use in accordance with these terms, unless the Parties mutually agree to a different amount or determine that additional funding for the Escrow Account is no longer necessary.
5. In the event this Escrow Account expires or is lawfully terminated by the Borough, then all funds and accrued interest in the Escrow Account shall be returned to the Applicant following the payment from the Escrow Account of all

undisputed Borough fees and costs incurred up to the time of said expiration or termination.

6. In the case that there are escrow charges which are due and owing which are not able to be paid out of the Escrow Account, then said charges shall become a lien upon the Properties and shall remain so until paid. Said overdue charges shall accrue the same interest from time to time as taxes upon real estate in the Borough. The Borough shall have the same remedies for the collection thereof with regard to interest, costs and penalties as it has by law for the collection of taxes upon real estate.
7. The term of this Escrow Agreement shall endure until all Borough professional services relating to the Applicant's proposals have been rendered and all payments for same (as well as all other costs incurred by the Borough related to the proposals) have been made/satisfied out of the Escrow Account. The Borough may terminate this Agreement at any time prior thereto by providing written notice to the Applicant. In such case, the terms of Paragraph 5 above shall govern the return of any remaining funds in the Escrow Account.
8. This Agreement shall be binding upon and inure to the benefit of the permitted successors and assigns of the Parties, and their heirs, executors and administrators.
9. If any term or provision of this Escrow Agreement or the application thereof shall to any extent be held to be invalid or unenforceable, the remainder of this Escrow Agreement, or the application of such term or provision to circumstances other than those to which it is invalid or unenforceable, shall not be affected thereby,

and each other term and provision of this Agreement shall be valid and shall be enforced to the extent permitted by law.

10. No modification, waiver, amendment, discharge or change of this Escrow Agreement shall be valid unless the same is in writing, duly authorized, and signed by the party against which the enforcement of such modification, waiver, amendment, discharge or change is or may be sought.
11. This Agreement shall be governed by and construed and interpreted in accordance with the laws of the State of New Jersey.


IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the day and year first above written.

WITNESS:


BOROUGH OF HIGHTSTOWN

Debra L. Sopronyi, Municipal Clerk

Lawrence D. Quattrone, Mayor



Ruth WARSHAWSKY (Print Name)



**HIGHTSTOWN DEVELOPMENT
ASSOCIATES, LLC**
By: Michael Pomeranc
Title: Member

Resolution 2017-166
*BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY*

**AUTHORIZING DONATION OF SURPLUS PROPERTY
NO LONGER NEEDED FOR PUBLIC USE – UNCLAIMED BICYCLES**

WHEREAS, the Hightstown Police Department recovers numerous bicycles throughout the year that go unclaimed and create storage issue for the Department; and

WHEREAS, the Chief of Police has requested permission to donate the unclaimed bicycles to the Trenton Bike Exchange Program which is part of the Trenton Area Boys and Girls Clubs; and

WHEREAS, the Trenton Bike Exchange Program provides low cost quality bicycles to individuals and families; and

WHEREAS, the Trenton Bike Exchange Program's mission is to raise money for the Boys & Girls Club of Trenton and Plainfield and to help teens get job readiness skills and bike repair skills in the Trenton Bike Exchange Annex, a used bike shop where bikes are repaired and sold solely by Trenton teens . All proceeds from the sale of bikes goes to support the Trenton and Plainfield Boys & Girls Club after-school programs; and

WHEREAS, the Administrator/Purchasing Agent finds that this property holds no value to the Borough other than recycling tonnage; and

WHEREAS, the Trenton Bike Exchange will issue receipts for the bicycles so the Police Department can substantiate the disposal of and the Borough can claim recycling credit for the bicycles; and

WHEREAS, the State of New Jersey permits the disposal of surplus property no longer needed for public use pursuant to the Local Public Contract Law 40A:11-36.; and

WHEREAS, the Mayor and Council finds it in the best interest of the community to donate unclaimed bicycles to the "Trenton Bike Exchange" program.

NOW THEREFORE BE IT RESOLVED that the Mayor and Borough Council hereby authorizes unclaimed bicycles received at the Police Department to be no longer needed for public use and authorizes the Police Department to properly dispose of unclaimed bicycles through the "Trenton Bike Exchange" program.

BE IT FURTHER RESOLVED that the Police Department shall forward a copy of all receipts for the delivery of the bicycles to the Public Works Superintendent/Recycling Coordinator for recycling tonnage credit.

Resolution 2017-167
*BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY*

AUTHORIZING A REFUND OF AN OVERPAYMENT FOR WATER SEWER

WHEREAS, 441 Stockton Street, LLC, 3 Rutland Court, Princeton Junction, New Jersey 08550 has made an overpayment in the amount of \$255.13 to their water/sewer account with the Borough; and

WHEREAS, 441 Stockton Street, LLC has requested that a refund in the amount of \$255.13 be issued; and

WHEREAS, the Tax Collector has requested that said overpayment be refunded in the amount of \$255.13.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Collector and CFO are hereby authorized to issue a refund in the amount of \$255.13 for said overpayment as set forth herein.

PUBLIC COMMENT PERIOD II

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

Milton Matamoros, 135 Purdy Street – Spoke regarding bicycle signs and riding bicycles on sidewalks downtown. Also questioned what is the route for bicycles in town.

Scott Caster, 12 Clover Lane – Stated that he has a dream for Hightstown but Hightstown needs to dream bigger. If we have the right dream we will bring the right kind of traffic into Hightstown. He likes the idea of getting rid of the trucks coming through town.

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

DISCUSSION

Downtown Message Board

Council President Stults stated that he had been approached by a resident to have a message board downtown. The message board would be used to keep residents updated with events happening in town such as Council Meetings etc. Discussion ensued. Problems that were brought up were that if the public can post to it there would be little control over what was being displayed. If the board was enclosed, who would monitor and update the postings? There was also talk about an electronic message board. Council President Stults will look into gathering more information regarding a town message center.

SUBCOMMITTEE REPORTS

Rug Mill Redevelopment

Councilmember Misiura updated Council on the status of the project. Engineer drawings are being worked on. There were concerns over the access road for emergency vehicles. According to the Borough Engineer, all of the concerns are workable.

Minute Maid Property

Councilmember Misiura updated Council on a meeting that occurred with the brokers for the Minute Maid property. The brokers informed Mr. Misiura that they are having trouble finding a buyer for the property because of the settlement agreement.

MAYOR/COUNCIL/ADMINISTRATIVE REPORTS

Councilmember Montferrat

Sustainable Jersey revisions are due by September 9th. The Board of Health is meeting next Wednesday. He questioned Councilmember Misiura regarding the Rug Mill Project, asking if RBG discussed financing at all.

Councilmember Misiura

The Escrow Agreement for Deerfield Westerlea will enable our professionals to meet with Deerfield Westerlea regarding an affordable housing project. The Borough Planner and Borough Engineer will then be able to guide them through their application process.

Councilmember Kurs

Informed Council that there was an armed robbery at Hightstown Liquors last week. There were no injuries and he did not have any additional information at this time.

Councilmember Hansen

Reminded everyone that the Triathlon is this Sunday, September 10th. This is the 10th anniversary of the Hightstown Triathlon.

Council President Stults

The next Downtown Business Meeting is scheduled for September 18th at 7:00 p.m. at 12 Farms. He has been in contact with George Chin, Construction Official, regarding the robbery. Many of the stores downtown are in violation of the sign ordinance because of excess signs in their storefront windows. Mr. Chin has started to visit the businesses to enforce this ordinance.

ADJOURNMENT

Councilmember Kurs moved to adjourn at 9:46 pm; Councilmember Hansen seconded. All ayes.

Respectfully Submitted,

Margaret M. Riggio
Deputy Borough Clerk