

**Meeting Minutes  
Hightstown Borough Council  
October 2, 2017  
6:30 p.m.**

The meeting was called to order by Mayor Quattrone at 6:31 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>	✓	
<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**

Council President moved Resolution 2017-175; Councilmember Montferrat seconded.

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

Resolution adopted 6-0.

Resolution 2017-175

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

**AUTHORIZING A MEETING WHICH EXCLUDES THE PUBLIC**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that this body will hold a meeting on October 2, 2017 at 6:30PM 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 – R. Black Global (The Mills at Hightstown)  
Municipal Facilities

Stated as precisely as presently possible the following is the time when and the circumstances under which the discussion conducted at said meeting can be disclosed to the public: January 2, 2018, or when the need for confidentiality no longer exists.

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

Mayor Quattrone called the public meeting to order at 7:31 p.m. and again read the Open Public Meetings Statement.

Carmela Roberts, Borough Engineer arrived during Executive Session and is now present. George Lang, CFO, arrived after executive session and is now present.

The Flag Salute followed roll call.

### **APPROVAL OF AGENDA**

Mayor Quattrone asked that Resolution 2017-181 (Resolution of the Borough of Hightstown, In the County of Mercer, Authorizing and Directing the Borough Planning Board to Determine Whether Certain Property Constitutes an Area in Need of Redevelopment) be added to the agenda. Councilmember Montferrat moved the agenda as amended. Councilmember Hansen seconded.

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

Agenda approved as amended 6-0.

### **APPROVAL OF MINUTES**

Council President Stults moved the September 18, 2017 Public Session Minutes for approval; Councilmember Misiura seconded.

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

Minutes approved 5-0 with 1 abstention.

### **PUBLIC COMMENT I**

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

**Doug Mair, 536 South Main Street** – Questioned the discussion regarding the weight limit of trucks on West Ward Street. West Ward Street is a designated truck route. How can you restrict the weight of trucks on a truck route? This restriction would not eliminate the traffic downtown.

**Eugene Sarafin, 628 South Main Street** – Spoke about the moment of silence for the violence. Stated that we shouldn't be silent in this Country, we should be speaking out about gun control.

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

### **ENGINEERING ITEMS**

#### **Resolution 2017-176 Denying Release of Maintenance Guarantee and Requiring Additional Deposit to Escrow Seymour Investments, LLC (Old Hights Overlook – Block 13/Lot 24.01)**

Carmela Roberts, Borough Engineer, reviewed her September 25, 2017 letter to Council regarding Seymour Investments, LLC's Maintenance Guarantee. Ms. Roberts explained that after inspection of the site it was found that 11 trees shown on the approved Landscaping Plant had been removed and not yet replaced. She recommended that the Maintenance Guarantee be retained until the owner replaces the trees to the satisfaction of the Borough.

Councilmember Kurs moved Resolution 2017-176; Councilmember Hansen seconded.

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

Resolution adopted 6-0.

Resolution 2017-176

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

#### **DENYING RELEASE OF MAINTENANCE GUARANTEE AND REQUIRING ADDITIONAL DEPOSIT TO ESCROW – SEYMOUR INVESTMENTS, LLC (OLD HIGHTS OVERLOOK - BLOCK 13/LOT 24.01)**

**WHEREAS**, in May of 2015, Seymour Investments, LLC posted a maintenance guarantee with the Borough of Hightstown in the amount of \$10,683.40 in the form of check #9172 for the project known as Old Hights Overlook and listed as Block 13/Lot 24.01 in the Borough's tax records; and

**WHEREAS**, \$400.00 of said maintenance guarantee was transferred to escrow to cover necessary inspections leaving a balance of \$10,283.40 for the maintenance guarantee; and

**WHEREAS**, Seymour Investments, LLC has requested the release of said maintenance guarantee in the amount of \$10,283.40; and

**WHEREAS**, the Borough Engineer has inspected the project and determined that all improvements remain in satisfactory condition with the exception of eleven (11) trees shown on the approved Landscaping Plan, which have been removed and not replaced; and

**WHEREAS**, the Borough Engineer has recommended that the Maintenance Guarantee in the amount of \$10,283.40 be retained by the Borough until all improvements for this project are found to be satisfactory; and

**WHEREAS**, the remaining escrow balance for this project is deficient to pay for the required maintenance re-inspections prior to the release of the maintenance guarantee; and

**WHEREAS**, it is necessary for Seymour Investments, LLC to post an additional \$800.00 toward the escrow account for this project to cover the previous and future required re-inspections of the project needed to deem all improvements for this project to be satisfactory.

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

1. The request for release of the maintenance guarantee in the amount of \$10,283.40 for the above project is hereby denied.
2. Seymour Investments, LLC shall post an additional \$800.00 toward the escrow account for this project to cover the previous and future required re-inspections of the project needed to deem all improvements for this project to be satisfactory.
3. A certified copy of this Resolution shall be provided to the following:
  - a. Seymour Investments, LLC
  - b. George Lang, Chief Financial Officer
  - c. Sandy S. Belan, Planning Board Secretary
  - d. Carmela Roberts, Borough Engineer
  - f. Jolanta Maziarz, Planning Board Attorney

**NJDOT Access Permit – Mercer Street Warehouse, LLC/Bruckner Southern, LLC**

Borough Engineer, Carmela Roberts, reviewed her letter of September 18, 2017. She received a copy of the NJDOT Major Access Permit and Set of Plans entitled “Victoria Classics/Bruckner Southern, NJDOT Highway Access Permit Set approved by NJDOT on June 5, 2017. She stated that she is satisfied with the results of the DOT request. Requested that Borough Attorney Raffetto look at the request to see if any changes need to be made to the settlement agreement.

**West Ward Street Weight Limit**

Ms. Roberts explained that redesignating a municipal roadway weight limit must be done by way of ordinance and will require approval of the Commissioner of Transportation. Ms. Roberts informed Council that her office would perform a survey which would consists of a simple traffic observation during a peak period. The results would be reported to Mayor and Council along with a recommendation for the adoption of the necessary ordinance, if needed. After discussion, it was agreed that Ms. Roberts would meet with DOT before anything further is done.

**ORDINANCES**

**Ordinance 2017-15 First Reading & Introduction – Bond Ordinance Amending Section 3(a) of Bond Ordinance #2015-15 and Providing for a Supplemental Appropriation of \$132,000 for Improvements to Stockton Street and Joseph Street in and by the Borough of Hightstown, in the County of Mercer, New Jersey, and Authorizing the Issuance of \$132,000 Bonds or Notes of the Borough to Finance Part of the Cost Thereof**

Councilmember Kurs moved Ordinance 2017-15 for introduction; Council President Stults seconded.

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

Ordinance introduced 6-0.

Public Hearing scheduled for 10/16/2017.

Ordinance 2017-15

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

**BOND ORDINANCE AMENDING SECTION 3(a) OF BOND  
ORDINANCE #2015-15 AND PROVIDING A SUPPLEMENTAL  
APPROPRIATION OF \$132,000 FOR IMPROVEMENTS TO  
STOCKTON STREET AND JOSEPH STREET IN AND BY THE  
BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW  
JERSEY, AND AUTHORIZING THE ISSUANCE OF \$132,000 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. Section 3(a) of Bond Ordinance #2015-15 of the Borough of Hightstown, in the County of Mercer, New Jersey (the "Borough"), finally adopted August 17, 2015 (the "Original Bond Ordinance"), is hereby amended to read as follows:

“(a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is improvements to Stockton Street and Joseph Street, including, but not limited to, repaving and improvements to sidewalks and curbs on Joseph Street, and further including all work and materials necessary therefor and incidental thereto.”

Section 2. The improvement described in Section 4(a) of this bond ordinance has heretofore been authorized to be undertaken by the Borough as a general improvement. For the improvement or purpose described in Section 4(a), there is hereby appropriated the supplemental amount of \$132,000, such sum being in addition to the \$430,000 appropriated therefor by the Original Bond Ordinance. Pursuant to N.J.S.A. 40A:2-11(c), no down payment is required since the Original Bond Ordinance included a grant for a portion of the project in the amount of \$275,000 from the Safe Routes to School Program administered by the State of New Jersey Department of Transportation.

Section 3. In order to finance the additional cost of the improvement, negotiable bonds are hereby authorized to be issued in the principal amount of \$132,000 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 4. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is improvements to Stockton Street and Joseph Street, including, but not limited to, repaving and improvements to sidewalks and curbs on Joseph Street, and further 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 \$562,000, including the \$430,000 authorized by the Original Bond Ordinance and the \$132,000 bonds or bond anticipation notes authorized herein.

(c) The estimated cost of the improvement or purpose is \$562,000, including the \$430,000 appropriated by the Original Bond Ordinance and the \$132,000 appropriated herein.

Section 5. 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 6. 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 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 4(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Borough may lawfully undertake as a general improvement, and 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 10 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 \$132,000, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$120,000 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. Of this amount, \$80,000 was estimated for these items of expense in the Original Bond Ordinance and an additional \$40,000 is estimated therefor herein.

Section 8. The Borough hereby declares the intent of the Borough to issue bonds or bond anticipation notes in the amount authorized in Section 3 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 4(a) of this bond ordinance. This Section 8 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

Section 9. Any grant moneys received for the purpose described in Section 4(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 "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 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.

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

Mayor Quattrone opened the Public Hearing for Ordinance 2017-13 and the following individuals spoke:

**Scott Caster, 12 Clover Lane** – Questioned the two spaces for the Housing Authority and asked where lots “E” and “B” were on the maps. Also questioned why the Board of Education is mentioned in the Borough’s ordinance. Stated that he wished there was an EDC in town and would like to see a holistic approach to downtown signage, parking and traffic flow.

**Doug Mair, 536 South Main Street** – Asked what this ordinance is for because he is confused by the title. Also questioned when the signs in the parking lot will be replaced.

**Eugene Sarafin, 628 South Main Street** – Stated that he understands the ordinance and he hopes that Council adopts it.

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

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.

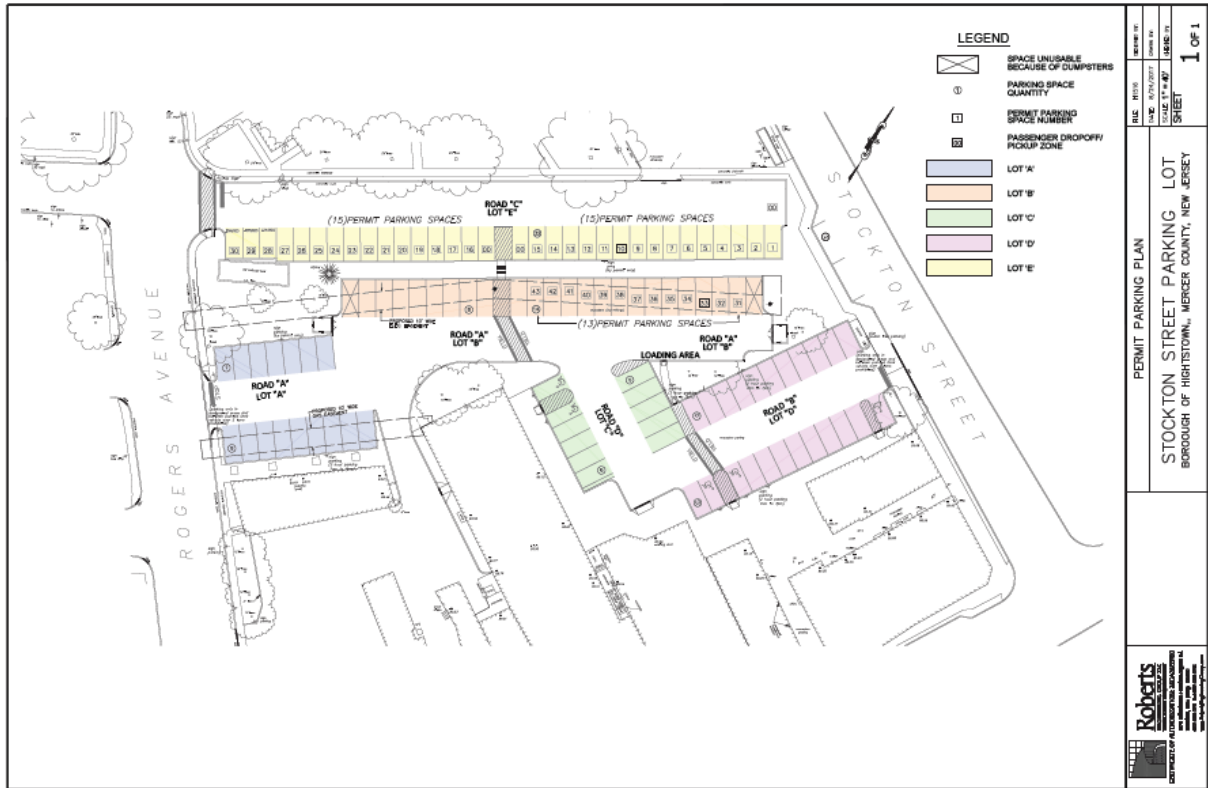
The parking spaces marked with the numbers “00” as shown on the site plan dated August 24, 2017, prepared by Roberts Engineering Group, LLC, and titled “Permit Parking Plan – Stockton Street Parking Lot,” which is on file in the office of the Borough Clerk, are hereby designated as “Housing Authority 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 there from and shall not be affected.





## Ordinance 2017-14 Final Reading and Public Hearing – An Ordinance Establishing the Titles and Salary Ranges of Water Plant Superintendent and Assistant Waste Water Treatment Plant Superintendent

**Eugene Sarafin, 628 South Main Street** – Stated that he thinks it’s noble to pay people for their jobs.

**Doug Mair, 536 South Main Street** – Stated that he has no problem with the new appointments but questioned if the Borough had looked into outsourcing the Water Department to save money. We are not big enough for the amount of money we are spending on the Water Department. Mayor Quattrone responded stating that in the past, there were talks with American Water and he informed Mr. Mair that for an outside company to take over, the price for water services would automatically double.

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

Councilmember Kurs moved Ordinance 2017-14 for adoption; Councilmember Hansen seconded.

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

Ordinance adopted 6-0.

Ordinance 2017-14  
*BOROUGH OF HIGHTSTOWN*

*COUNTY OF MERCER  
STATE OF NEW JERSEY*

**AN ORDINANCE ESTABLISHING THE TITLES AND SALARY RANGES OF WATER PLANT  
SUPERINTENDENT AND ASSISTANT WASTE WATER TREATMENT PLANT  
SUPERINTENDENT**

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

**Section 1.** The following official employment designation is hereby confirmed and the rate of compensation of this officer of the Borough of Hightstown, excluding longevity, whose compensation shall be on an annual basis, is:

	<b>RANGING FROM:</b>	<b>TO:</b>
Water Plant Superintendent	\$10,000.00	\$25,000.00
Assistant Waste Water Treatment Plant Superintendent	\$45,000.00	\$80,000.00

**Section 2.** This Ordinance shall take effect after final passage and publication as provided by law, but the range of compensation herein provided shall be effective September 8, 2017.

**Section 3.** The salary range established in this ordinance supersede any established for the same positions in previous salary ordinances, and will remain in effect until changed by the adoption of a new or amending Salary Ordinance.

**RESOLUTIONS**

**Resolution 2017-177 Authorizing Payment of Bills**

Councilmember Bluth moved Resolution 2017-177; Councilmember Stults seconded.

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

Resolution adopted 6-0.

Resolution 2017-177  
*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 \$254,236.98 from the following accounts:

Current		\$218,073.21
W/S Operating		17,304.92
General Capital		0.00
Water/Sewer Capital		16,406.75
Grant		0.00
Trust		1,986.90
Housing Trust		0.00
Animal Control		10.20
Law Enforcement Trust		0.00
Housing Rehab Loans		0.00
Unemployment Trust		0.00
Escrow		<u>455.00</u>
Total		<u>\$254,236.98</u>

**Resolution 2017-178 Resolution Expressing Opposition to Legislative Proposals Regarding the Open Public Meetings Act and Open Public Records Act**

Borough Administrator/Clerk, Debra Sopronyi, explained that this resolution opposes changes to OPRA and Open Public Meetings Laws. These changes would require that subcommittee meetings be public meetings meaning that they would need to be noticed, open to the public and have minutes made available.

Councilmember Kurs moved Resolution 2017-178; Councilmember Hansen seconded.

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

Resolution adopted 6-0.

Resolution 2017-178

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

**RESOLUTION EXPRESSING OPPOSITION TO LEGISLATIVE PROPOSALS REGARDING THE OPEN PUBLIC MEETINGS ACT AND OPEN PUBLIC RECORDS ACT**

**WHEREAS**, the New Jersey Senate Budget and Appropriations Committee took action on Senate Bill Nos. 1045 and 1046, which amend the Open Public Meetings Act and Open Public Records Act, respectively, on June 29, 2017; and

**WHEREAS**, the Committee released the bills to the full Senate without recommendation because the bills are unnecessary, unpopular with the public, and would result in significant financial and administrative burdens on municipalities; and

**WHEREAS**, the bills fail to adequately protect taxpayers, municipalities and, especially, municipal clerks from

abusive, harassing, and purposefully confrontational individuals who submit voluminous requests for no legitimate reason; and

**WHEREAS**, the legislation would expand the Open Public Meeting Act to create impractical and burdensome requirements with respect to subcommittees and working groups established by the entire governing body, which would effectively limit the ability of small groups of local officials discussing issues of public concern for the purposes of informing the governing body; and

**WHEREAS**, under the bills, the responsibilities of municipal clerks, who the Legislature has already loaded with responsibilities beyond the scope of their office, would be stretched even further than current law requires without a single dollar of additional resources provided to, or authorized to be collected by, municipalities; and

**WHEREAS**, the bills would impose a financial burden on municipalities that would not be offset by a revenue source other than the property tax, making the bills unfunded mandates prohibited by the New Jersey Constitution; and

**WHEREAS**, some municipalities are more equipped than others to meet the burdens that would be imposed by Senate Bill Nos. 1045 and 1046, however, without assistance of any kind from the State or the courts, every municipality would be on its own to meet the myriad new requirements of the law.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown, that the Legislature is strongly urged to reject Senate Bill Nos. 1045 and 1046 and draft new legislation to modernize OPRA and OPMA while providing municipalities and clerks with the resources to effectuate these changes for the benefit of the public.

**BE IT FURTHER RESOLVED** that a certified copy of this Resolution be filed with the legislative sponsors of Senate Bill Nos. 1045 and 1046 and Assembly Bill Nos. 2697 and 2699, the Speaker of the General Assembly, the President of the Senate, the Governor, the League of Municipalities, and the Municipal Clerk's Association of New Jersey, and all parties are urged to listen to the concerns of local officials and prevent Senate Bill Nos. 1045 and 1046 from becoming law.

**Resolution 2017-181 Resolution of the Borough of Hightstown, In the County of Mercer, Authorizing and Directing the Borough Planning Board to Determine Whether Certain Property Constitutes an Area in Need of Redevelopment**

Councilmember Misiura moved Resolution 2017-181; Councilmember Hansen seconded.

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

Resolution adopted 6-0.

Resolution 2017-181

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

**RESOLUTION OF THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF  
MERCER, AUTHORIZING AND DIRECTING THE BOROUGH PLANNING BOARD  
TO DETERMINE WHETHER CERTAIN PROPERTY CONSTITUTES AN AREA IN  
NEED OF REDEVELOPMENT**

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

**WHEREAS**, a revised redevelopment plan (“Redevelopment Plan”) containing development standards for that portion of the Redevelopment Area which is known as Sub-Area I (Bank Street) was adopted by Ordinance Number 2015-04 of the Borough Council on April 20, 2015, which revised those redevelopment plans for the Redevelopment Area previously adopted by the Borough on September 7, 2004, October 2, 2006 and October 6, 2008, and which was subsequently further amended by ordinance adopted March 6, 2017; and

**WHEREAS**, on March 10, 2017, the Borough and RBG Hightstown, LLC (the “Redeveloper”) entered into that certain Amended and Restated Redevelopment Agreement (the “Redevelopment Agreement”), pursuant to which, among other things, the Redeveloper agreed to redevelop the portion of the Redevelopment Area consisting of Block 30, Lots 1-7, Block 30, Lots 10-13, and Block 21, Lots 1-13 & 26 on the Borough’s official tax map (collectively, the “Original Project Area”), which constitutes part of Sub-Area I (Bank Street), by constructing thereon a project including approximately 47,500 square feet of retail space, approximately 266 residential units, and associated parking and other infrastructure improvements, consistent with the Concept and Phasing Plan attached as Exhibit 2 to the Redevelopment Agreement (the “Project”); and

**WHEREAS**, the Redeveloper has expressed a desire to also redevelop the parcel designated on the Borough’s tax map as Block 21, Lot 20 (the “Additional Property”), located directly adjacent to the Original Project Area, in order to effectively access the Project; and

**WHEREAS**, the Borough desires to authorize and direct the Borough’s Planning Board (the “Planning Board”) to undertake a preliminary investigation to determine whether the Additional Property meets criteria for designation as an area in need of redevelopment; and

**WHEREAS**, if the Additional Property is determined to meet the criteria for designation as an area in need of redevelopment and the Borough so designates the Additional Property, then the Borough shall be authorized to use all the powers provided under the Redevelopment Law for use in a redevelopment area, including the power of eminent domain.

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

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

Section 2. The Planning Board is authorized and directed to undertake a preliminary investigation and conduct a public hearing(s) to determine whether the Additional Property meets criteria necessary for designation as an area in need of redevelopment under the Redevelopment Law and, if the Additional Property so qualifies, to recommend whether it should be so designated and should be incorporated into the Redevelopment Plan.

Section 3. In the event the governing body shall designate the Additional Property as a redevelopment area, the Borough shall be authorized to use all the powers provided under the Redevelopment Law for use in a redevelopment area, including the power of eminent domain.

Section 4. A copy of this resolution shall be forwarded to the Secretary of the Planning Board for action consistent herewith.

Section 5. This resolution shall take effect immediately.

### **Appointing a New Municipal Court Judge**

Councilmember Kurs recused himself at this time.

Mayor Quattrone informed Council that the current Municipal Court Judge's appointment expired in April of 2016. It is his desire to nominate Seth Kurs as the new Municipal Court Judge. Councilmember Bluth explained that there were several resumes received and the committee interviewed several candidates for the position. Both Mayor Quattrone and Councilmember Bluth explained that there is no problem with the current judge but they feel that appointing Mr. Kurs would be in the best interest of the Borough. Discussion ensued. It was determined that if Council moved forward with this appointment, Mr. Kurs would need to resign his position as Councilmember before he took the bench. After discussion, it was decided that Council was in favor of appointing Mr. Kurs as Municipal Court Judge.

### **Resolution 2017-182 Appointing a Municipal Court Judge**

Councilmember Bluth moved Resolution 2017-181; Councilmember Stults seconded.

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

Resolution adopted 5-0.

Resolution 2017-182

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

### **APPOINTING A MUNICIPAL COURT JUDGE**

**WHEREAS**, Judge James M. Newman currently serves as Municipal Court Judge and his term expired on April 3, 2016; and

**WHEREAS**, it is the desire of the Mayor and Council to appoint Seth A. Kurs for a three-year term in accordance with the provisions of section 2-24.2 of the *Revised General Ordinances of the Borough of Hightstown*; and

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that Seth A. Kurs of Hightstown, New Jersey, is hereby appointed as Municipal Court Judge effective October 2, 2017 for a three-year term ending October 2, 2020.

Councilmember Kurs rejoined the meeting at this time. He proceeded to present a letter of resignation to Deputy Clerk, Peggy Riggio. Ms. Riggio read the letter into the public record.

Mayor Quattrone administered the Oath of Office to Mr. Kurs.

### **CONSENT AGENDA**

Councilmember Montferrat moved Resolutions 2017-179 and 2017-180 as a Consent Agenda; Council President Stults seconded.

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

Resolutions adopted 5-0.

Resolution 2017-179

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

**APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT  
CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION  
FOR IMPROVEMENTS TO LINCOLN AVENUE, HAGEMONT AVENUE AND  
ROCKY BROOK COURT PROJECT**

**NOW, THEREFORE, BE IT RESOLVED** that Council of the Borough of Hightstown formally approves the grant application for the above stated projects.

**BE IT FURTHER RESOLVED** that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2018-Hightstown Borough-00251 to the New Jersey Department of Transportation on behalf of the Borough of Hightstown.

**BE IT FURTHER RESOLVED** that Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Hightstown and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Resolution 2017-180

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

**ADOPTING AN AFFORDABLE HOUSING RENTAL UNITS PROGRAM MANUAL  
FOR HIGHTSTOWN BOROUGH**

**WHEREAS;** the State of New Jersey requires municipalities to adopt a Program Manual for Affordable Housing Rental Units; and

**WHEREAS,** the Borough of Hightstown has retained Rehabco, Inc. to prepare a manual that complies with said requirement; and

**WHEREAS,** a Housing Rental Unit Program Manual has been developed to explain the steps in the rental process and assist in the administration and serve as a guide to the program staff and applicants; and

**WHEREAS,** it is required that the Hightstown Borough Mayor and Council adopt the Affordable Housing Rental Units Program Manual for Hightstown Borough.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the Affordable Housing Rental Units Program Manual for Hightstown Borough is hereby adopted by the Borough of Hightstown.

**PUBLIC COMMENT PERIOD II**

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

**Doug Mair, 536 South Main Street** – Congratulated Mr. Kurs. Spoke again about the weight restrictions on West Ward Streets stating that he is looking forward to the survey results.

**Eugene Sarafin, 628 South Main Street** – Congratulated Mr. Kurs. Spoke about the disaster that is President Trump.

**Scott Caster, 12 Clover Lane** – Thanked Council for their due diligence regarding the parking lot but predicted that this will continue to be an ongoing issue. Inquired once again about signs for bicycles on the sidewalks.

**William Gardner, 379 Jefferson, East Windsor, NJ** – Thanked Council for all they do to make Hightstown better. Stated that it is hard to do a job when people continue to ridicule your work.

**Frank Rivera, 110 Broad Street** – Congratulated Mr. Kurs and stated that he is one of the best and is perfect for the bench.

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

## **DISCUSSION**

### **Discovery Channel Filming on Bank Street**

Borough Administrator/Clerk, Debra Sopronyi, informed Council that the Discovery Channel would like to use Bank Street to film an episode of A Crime to Remember. They are requesting the road be closed from 10:30 am – 1:00 pm. They have agreed to pay for police coverage and provide an insurance certificate. Ms. Sopronyi had spoken to Chief Gendron and he did not see any problem with the road closure or police coverage. An Agreement for police coverage will need to be executed.

Councilmember Montferrat moved for approval for Filming on Bank Street and Entering into an agreement; Councilmember Bluth seconded.

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

Filming on Bank Street approved 5-0.

## **SUBCOMMITTEE REPORTS**

### **Route 33 Corridor**

Councilmember Misiura commented that the Route 33 Corridor Sub Committee will be meeting with East Windsor at the end of the month.

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

### **Councilmember Bluth**



Cultural Arts had a meeting last week and are discussing several upcoming events.

She stated that she will be away next week and asked if someone could cover the Habitat meeting for her.

#### **Councilmember Montferrat**

The Harvest Fair Committee will have a meeting tomorrow night.

The Environmental Commission met on September 26<sup>th</sup>. They would like to be included in the process of the tree removal on Lincoln and Hagemont. The Dawes Park Rehab has come to a halt because of funds. They will be hosting a Tree ID Seminar on October 21<sup>st</sup>.

Stockton Street traffic for Back to School Night was dangerous due to lack of street lights by the bus stop and the school cross walks. Can we have JCP&L look into this?

Asked if a notice can be sent regarding enforcement of leashed dogs.

Council is working hard to improve parking downtown.

Thanked Mr. Mair for his comments and expertise on the truck traffic and weight limits.

Congratulated Mr. Kurs.

#### **Councilmember Misiura**

HPC had a guest speaker, Bob Craig, at their last meeting who was very informative. They have received a sample banner and are deciding where they will be placed.

Asked about an update on the sidewalk and road repair list from the Borough Engineer.

#### **Council President Stults**

Congratulated Mr. Kurs.

Attended his first Housing Authority Meeting and had the opportunity to meet some of the residents. Looking forward to the next meeting on October 18<sup>th</sup>.

Reviewed the most recent report from the Construction office. They are continuing with inspections and issuing violations. There has been some concern over the scheduling of inspections with days and times. He is hoping that something can be done to have a better schedule in place.

Downtown Hightstown held their business meeting at 12 Farms on October 2<sup>nd</sup>. They are taking donations for Hands for Houston, selling small flags that are hung in the windows of downtown businesses.

Informed Councilmember Bluth that he could attend the Habitat meeting.

#### **Borough Administrator/Clerk Sopronyi**

Chief Gendron has sent a letter to the County requesting the road closures for Halloween. Once we have approval, the Clerk's will send letters to residents informing them of the closures.

Asked the Environmental Commission to forward the information on the Tree ID information session so it can be placed on the website.

There had been questions regarding trust funds for Parks and Recreation Account and Dawes Park Summer Camp Account. Money in trust accounts cannot be transferred between the accounts. They must be used for specific purposes.

**George Lang, CFO**

Explained that a Supplemental Debt Statement was given to the Clerk this evening for the Bond Ordinance Introduction. This is a snapshot of our debt picture. The Borough is well under their debt limit.

**Fred Raffetto, Borough Attorney**

Congratulated Mr. Kurs.

**Mayor Quattrone**

Asked the Borough Administrator to get in touch with JCP&L regarding the street lights on Stockton Street.

Congratulated Mr. Kurs.

The Harvest Fair is this Saturday and the weather looks good. There will be fire police used to help with traffic and road closures.

Asked Council President Stults to take over as the liaison to the Police Department (Police Commissioner). We are still in need of a liaison for the Fire Department and First Aid Squad. If any Councilmembers are interested, please contact him.

**ADJOURNMENT**

Councilmember Montferrat moved to adjourn at 9:19 p.m.; Council President Stults seconded. All ayes.

Respectfully Submitted,

Margaret M. Riggio  
Deputy Borough Clerk