

**Meeting Minutes
Hightstown Borough Council
March 19, 2018
7:00 p.m.**

The meeting was called to order by Mayor Quattrone at 7:02 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 Misiura</i>	✓	
<i>Councilmember Montferrat</i>	✓	
<i>Councilmember Musing</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

2018-71 Authorizing a Meeting that Excludes the Public

Council President requested that Contract Negotiations – Insurance be added to Executive Session Resolution 2018-71.

Councilmember Montferrat moved Resolution 2018-71 as amended; Councilmember Bluth seconded.

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

Resolution adopted as amended 5-0.

Resolution 2018-71
*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 March 19, 2018 at 7:00 p.m. at the Hightstown Engine Co. #1 Fire House Hall located at 140 North Main Street, Hightstown that will be limited only to consideration of an item or items with respect to which the public may be excluded pursuant to section 7b of the Open Public Meetings Act.

The general nature of the subject or subjects to be discussed:

Personnel – Labor Counsel
Contract Negotiations – Insurance

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: June 19, 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.

Council President Stults called the public meeting to order at 7:43 p.m. and again read the Open Public Meetings Statement.

Councilmember Musing arrived during Executive Session and is now present. Monika Patel, Deputy CFO and George Lang, CFO, arrived after executive session and are now present.

The Flag Salute followed roll call.

APPROVAL OF AGENDA

Councilmember Misiura moved the agenda for approval; Councilmember Hansen seconded.

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

Agenda approved 6-0.

APPROVAL OF MINUTES

Councilmember Bluth moved the minutes from the February 20, 2018 Public Session for approval; Councilmember Misiura seconded.

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

Minutes approved 5-0 with one abstention.

PUBLIC COMMENT I

Council President Stults opened public comment period I and the following individuals spoke:

There being no one coming forward, Council President Stults closed the public comment period.

PRESENTATION

Business Improvement District

Council President Stults explained that the Business Group in Downtown Hightstown have been looking for ways to work together as a group for the betterment of Hightstown. Council President Stults invited representatives from the Spring Lake Business Improvement District to explain what a BID is and how you go about establishing a BID.

Jim Thompson; Rich Clayton, Board Chair and Dawn McDonough, Executive Director of the Spring Lake Business Development gave Council a presentation introducing the concept of a BID.

It was explained that with a BID the business owners are taking control of the environment. Downtown would become a mall without walls. The BID is formed through an Ordinance. The BID has a paid Executive Director and a board, which are volunteers. There is a special assessment on commercial property which pays for the management of the district. The Borough would collect the money and pay the BID quarterly.

Council President Stults thanked Spring Lake for the presentation. He stated that the Downtown Businesses need funding to get things done. They have many things in place but a BID, with an Executive Director, would be a great help. Council President Stults will speak with the Downtown Business group regarding having Spring Lake make a presentation to their group to see if a BID is something that may belong in Hightstown.

ORDINANCES

2018-01 Final Reading and Public Hearing – An Ordinance Amending and Supplementing Chapter 4, Entitled “General Licensing”, Subsection 4-1.4, Entitled “Fees” of the “Revised General Ordinances of the Borough of Hightstown.”

Council President Stults opened the public hearing for Ordinance 2018-01.

There being no comments, Council President Stults closed the public hearing.

Councilmember Musing moved Ordinance 2018-01 for adoption; Councilmember Hansen seconded.

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

Ordinance adopted 6-0.

Ordinance 2018-01

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

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 4, ENTITLED “GENERAL LICENSING”, SUBSECTION 4-1.4, ENTITLED “FEES” OF THE “REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN.”

WHEREAS, the Borough of Hightstown (the “Borough”) previously established fees relating to the licensing of boardinghouses located within the Borough, as set forth in Chapter 4, entitled “Fees,” Subsection 4-1.4, entitled “Fees” of the “Revised General Ordinances of the Borough of Hightstown”; and

WHEREAS, The Construction/Zoning Official finds that the fee presently charged does not cover the

expenses of the Department to conduct inspections and register said Boardinghouses; and

WHEREAS, the Mayor and Council wish to increase said fees to cover the expenses incurred in fulfilling the licensing requirement for Boardinghouses.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Mayor and Borough Council of the Borough of Hightstown, in the County of Mercer and State of New Jersey, that Chapter 4, entitled “Fees,” Subsection 4-1.4, entitled “Fees” of the “Revised General Ordinances of the Borough of Hightstown”; is hereby amended and supplemented in order to add the following:

4-1.4 Fee Schedule.

- a. Fees shall be as follows:

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

Circuses and traveling shows	\$100.00 per day
Auctions	\$100.00 per day
Massage, Bodywork and Somatic	
Therapy Establishments	\$500.00 per licensing cycle
Boardinghouses, rooming houses and rooming units*	
Boarders	\$25.00 per Boarder per year

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

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

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

2018-02 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 was presented with 2 options of this Ordinance regarding parking in municipal lots. After discussion, Council agreed to move forward with option number 1.

Councilmember Bluth moved Ordinance 2018-02 for introduction; Councilmember Montferrat seconded.

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

Ordinance introduced 6-0.

Public hearing scheduled for April 2, 2018

ORDINANCE 2018-02

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, Business owners in downtown Hightstown have expressed concern about inefficiencies in the Stockton Street Parking Lot; and

WHEREAS, it has been determined that there are many underutilized permit parking spaces in the evening and on weekends, resulting in fewer customer parking spaces; and

WHEREAS, limiting the permit parking requirement to business hours on weekdays would permit the additional open parking needed for customers to the downtown businesses; and

WHEREAS, it is the desire of the Mayor and Council to amend the Revised General Ordinances of the Borough of Hightstown to implement these changes.

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 as follows(deletions in strikeout text, additions underlined):

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

d. **Permit Parking.**

No person shall park a vehicle at the below-described locations during the hours of 8am to 6pm, Monday – Friday, 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	Monday – Friday 8:00 a.m. – 6:00 p.m.	As indicated on the site plan
Stockton Street lot – Lot “B”	North	Monday – Friday 8:00 a.m. – 6:00 p.m.	As indicated on the revised site plan

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.

2018-03 First Reading and Introduction – Amending Chapter 13, Entitled “Housing”, of the Revised General Ordinances of the Borough of Hightstown

Councilmember Musing introduced Ordinance 2018-03 for introduction; Councilmember Montferrat seconded.

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

Ordinance introduced 6-0.

Public hearing scheduled for April 2, 2018

ORDINANCE 2018-03

BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY

AMENDING CHAPTER 13, ENTITLED “HOUSING”, OF THE *REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN*

WHEREAS, the Housing Inspector, in coordination with the Construction/Zoning Official recommends certain changes to the Housing ordinance of the Borough; and

WHEREAS, The Mayor and Council of Hightstown Borough have determined that said revision to the Housing ordinance is required pursuant to the request.

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

2. Section 1. The following subsections of Chapter 13, “Housing”, of the *Revised General Ordinances of the Borough of Hightstown* are hereby amended and supplemented as follows:

Subsection 13-7-1 Certificate of Compliance Required for Occupancy/Transfer of Title.

Pursuant to N.J.S. 40:48-2.2(a), at least thirty (30) days prior to the scheduled date of a new occupancy of any dwelling house which has been sold or is under contract to be sold, the seller or buyer thereof, or the authorized agent of either, shall apply to the Housing Office for a certificate stating that the building and premises comply with the requirements of this chapter. A Certificate of Compliance is still required for any dwelling house which has been sold and in which occupancy is not immediately planned. The new owner has to obtain the Certificate of Compliance within ten (10) business days after closing on the house. The Housing Inspector needs to determine the safety of the house and inform First Responders of any hazardous conditions in the dwelling unit. In the event occupancy is to take place more than one hundred (120) days after the issuance of the certificate, an additional inspection and new certificate shall be required prior to occupancy. No such dwelling shall be occupied prior to the issuance of such a certificate unless such occupancy is permitted in writing, on a temporary basis, by the Housing Inspector, for a term to be determined by him depending upon the particular circumstances of each case; provided, however, that such term shall not exceed a cumulative period of one hundred twenty (120) days. The Housing Inspector may, upon receiving a written petition detailing unique circumstances, and upon good cause shown, permit an extension of the one hundred twenty (120) day term for an additional sixty (60) days. A dwelling house shall mean an owner-occupied single-family house or an owner-occupied dwelling unit in a building containing more than one (1) owner-occupied dwelling unit, including a condominium unit. See subsection 13-8.1 for Certificate of Occupancy requirements for rental units. (1991 Code § 121-46; Ord. No. 823 § 6; Ord. No. 94-6 § 4)

Subsection 13-7-2 Fees; Inspections.

The Housing Code Certificate required by subsection 13-7.1 hereof shall be secured from the Borough Housing Inspector. At the time of the fully completed application for such certificate, a fee of one hundred (\$100.00) dollars shall be paid, if submitted a minimum of 10 business days prior to the closing date. For fully completed applications submitted less than 10 business days prior to the closing date, a fee of one hundred fifty (\$150.00) dollars shall be paid. For fully completed applications submitted less than 5 business days prior to the closing date, a fee of two hundred (\$200.00) dollars shall be paid. The fee shall cover the application and initial inspection of the premises and the issuance of the Certificate. In the event that any additional inspections of the premises are required because of a failure of the owner to comply with the provisions of this chapter,

an additional fee of fifty (\$50.00) dollars shall be paid for each additional inspection required. All fees shall be made payable to the Borough of Hightstown and be delivered to the Borough Offices and turned over to the Borough Treasurer. In the event of cancellation of a requested inspection, the Housing Department must be notified within twenty-four (24) hours prior to the scheduled inspection time. Failure to do so will result in forfeiture of the inspection fee. (1991 Code § 121-47; Ord. No. 823 § 6; Ord. No. 94-6 § 4; Ord. No. 2004-31 § 4; Ord. No. 2008-09 § 7; Ord. No. 2015-22)

Subsection 13-12-10 Violations; Penalties

- a. **General Penalty.** Except as otherwise set forth herein, any person who shall violate any of the provisions of this chapter shall be subject to penalties as set forth in Section 1-5 of the Revised General Ordinances of the Borough of Hightstown. Each violation of any of the provisions of this chapter and each day that such violation shall continue shall be deemed to be a separate and distinct offense.

b. **Payable violations.**

Subsection 13-3-1	Maintenance.	
Subsection 13-3-3	Water Supply.	
Subsection 13-3-2	Sump Pump and Sewer Line Clean-Outs.	
Subsection 13-3-4	Plumbing and Heating	
Subsection 13-3-5	Electrical.	
Subsection 13-3-6	Smoke and Carbon Monoxide Alarms Required	
Subsection 13-3-7	Fences	
First offense		\$100
Second offense		\$200. Court appearance required
Subsequent Offenses	Not to Exceed \$2,000	Court appearance required
Subsection 13-3-12	Signs	
Subsection 13-4-4	Minimum Standards for Heating	
Subsection 13-4-5	Egress.	
Subsection 13-4-7	Additional Maintenance Requirements	
Subsection 13-4-8	Additional Responsibilities Concerning Garbage, Rubbish and Recyclable Materials	
Subsection 13-4-9	Additional Responsibilities Concerning Insects and Rodents	
Subsection 13-4-10	Owner Responsible	
First offense		\$150
Second offense		\$300 Court appearance required
Subsequent Offenses	Not to Exceed \$2,000	Court appearance required
Subsection 13-3-8	Use and Occupancy of Space.	
Subsection 13-6-13	Compliance Required	
Subsection 13-7-1	Certificate of Compliance Required for Occupancy	
Subsection 13-8-1	Certificate of Compliance Required	
Subsection 13-12-2	Registration Required	
Subsection 13-12-6	Maximum Number of Occupants; Posting	
Subsection 13-12-8	Occupant Standards	
First offense		\$250
Second offense		\$500 Court appearance required
Subsequent Offenses	Not to Exceed \$2,000	Court appearance required

- c. **Lien to be Placed on Property.** In addition to the foregoing, and all other remedies available to the Borough, the Borough Treasurer, upon appropriate notification from the Mayor and Council and appropriate certification from the enforcement officer, shall place a lien on any property determined by the enforcement officer to be in violation of the provisions of this code, in the amount of any and all administrative expenses and any and all actual expenditures for work necessary in order to maintain the

property and/or abate the violation, including the cost of removal of any offensive construction materials, refuse, hazards, overhanging objects or any other offending physical object. The lien placed upon such lands shall be added to and become and form a part of the taxes next to be assessed and levied upon such lands, the same to bear interest at the same rate as taxes, and shall be collected and enforced by the same officers and in the same manner as taxes. Costs shall be in addition to any penalties imposed for any violation of this Chapter.

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.

2018-04 First Reading and Introduction – Amending Chapter 14, Entitled “Property Maintenance,” Section 14-12, Entitled “Enforcement and Penalties”, of the Revised General Ordinances of the Borough of Hightstown

Councilmember Bluth moved Ordinance 2018-04 for introduction; Councilmember Musing seconded.

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

Ordinance introduced 6-0.

Public hearing scheduled for April 2, 2018

ORDINANCE 2018-04

BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY

**AMENDING CHAPTER 14, ENTITLED “PROPERTY MAINTENANCE”, Section 14-12, ENTITLED
“ENFORCEMENT AND PENALTIES”, OF THE *REVISED GENERAL ORDINANCES OF THE
BOROUGH OF HIGHTSTOWN***

WHEREAS, the Housing Inspector, in coordination with the Construction/Zoning Official recommends certain changes to the Property Maintenance ordinance of the Borough; and

WHEREAS, The Mayor and Council of Hightstown Borough have determined that said revision to the Property Maintenance ordinance is required pursuant to the request.

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

3. Section 1. The following subsections of Chapter 14, “Property Maintenance”, of the *Revised General Ordinances of the Borough of Hightstown* are hereby amended and supplemented as follows:

Section 14-12

ENFORCEMENT AND PENALTIES

14-12.1 Enforcement officers. The Construction Official, Fire Inspector, Fire Official, Fire Chief, Electrical Inspector, Plumbing Inspector, Housing Inspector, Health Officer or his/her designee, Health Department, all police officers and all municipal officials referenced in Section 14-10(f) of the Borough Code are authorized enforcement officers for the purposes of enforcing the provisions of this code. This Chapter shall also be enforced by the Code Enforcement Officer, whose position is hereby created, for the sole purpose of enforcing the provisions of this Chapter. The Code Enforcement Officer shall receive such salary as provided by Ordinance and shall be appointed by the Borough Council for a term as specified in the Resolution of Appointment.

14-12.2 Procedure. Except as otherwise set forth herein, whenever any enforcement officer determines, after appropriate **investigation**, that there exists a violation of any provision of this chapter, he or she shall give written notice of such alleged violation to the person or persons responsible therefor. Such notice shall include a statement of the reasons for its issuance, and shall be served upon the owner or occupant of the premises, or the agent of either. Notice shall be deemed to be properly served if a copy thereof is served upon such person personally or sent by certified mail or registered mail to his last known address, or posted in a conspicuous place in or about the premises affected by the notice. Such notice shall state that unless, within five calendar days from service of the notice, the condition complained of is abated, a municipal court summons will be issued and/or the Borough will undertake to abate the violation and place a lien on the property as hereinafter provided. A copy of the Notice shall be provided to the Borough Clerk.

14-12.3 Special Procedure in Emergency Conditions. Whenever the enforcement officer finds that an emergency exists which requires immediate attention to protect the health or safety of the public, he or she may, without notice, issue an order reciting the existence of such an emergency and requiring that such action be taken as he or she deems necessary to meet the emergency. Notwithstanding any other provisions in this chapter, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately, but upon petition to the enforcement officer, shall be afforded a hearing as soon as possible. In the event that the order is disregarded by the property owner or person to whom the order is directed, the enforcement officer shall have the right to notify the Borough Clerk for the purpose of instituting immediate remedial action, the cost of which shall result in a lien on the premises. After such hearing, the enforcement officer shall continue such order in effect, or modify or withdraw it.

14-12.4 Violations and Penalties.

a. **General Penalty.** Except as otherwise set forth herein, any person who shall violate any of the provisions of this chapter shall be subject to penalties as set forth in Section 1-5 of the *Revised General Ordinances of the Borough of Hightstown*. Each violation of any of the provisions of this chapter and each day that such violation shall continue shall be deemed to be a separate and distinct offense.

b. **Payable Offenses.**

14-5.1 Hazards and Structural Integrity.

14-5.2 Appearance.

14-5.4 Sidewalks, Driveways, Walkways and Entrance Stairways.

14-5.5 Hedges, Brush and Grass.

First offense **\$75**

Second offense **\$150 Court appearance required**

Subsequent Offenses **Not to Exceed \$2,000 Court appearance required**

14-6.4 Litter, Debris and Garbage.

14-6.5 Recyclables.

14-6.6 Open or Overflowing Waste Disposal Bins.

14-6.7 Harboring of Rodents.

14-6.9 Construction Sites.

First offense **\$50**

Second offense **\$100 Court appearance required**

Subsequent Offenses **Not to Exceed \$2,000 Court appearance required**

14-9.1 Windows.

14-9.2 Store fronts.

14-9.3 Reconstruction.

14-9.4 Awnings and marquees.

14-9.5 Signs, Light Stanchions and Poles.

First offense **\$100**

Second offense **\$200 Court appearance required**

Subsequent Offenses **Not to Exceed \$2,500 Court appearance required**

- c. **Lien to be Placed on Property.** In addition to the foregoing, and all other remedies available to the Borough, the Borough Treasurer, upon appropriate notification from the Mayor and Council and appropriate certification from the enforcement officer, shall place a lien on any property determined by the enforcement officer to be in violation of the provisions of this code, in the amount of any and all administrative expenses and any and all actual expenditures for work

necessary in order to maintain the property and/or abate the violation, including the cost of removal of any offensive construction materials, refuse, hazards, overhanging objects or any other offending physical object. The lien placed upon such lands shall be added to and become and form a part of the taxes next to be assessed and levied upon such lands, the same to bear interest at the same rate as taxes, and shall be collected and enforced by the same officers and in the same manner as taxes. Costs shall be in addition to any penalties imposed for any violation of this Chapter.

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.

2018-05 First Reading and Introduction – An Ordinance Amending and Supplementing Chapter 29 Entitled “Signs”, Sections 3 and 8, Entitled “General Regulations” and “Changeable Copy Signs”, Respectively of the Revised General Ordinances of the Borough of Hightstown, New Jersey

Councilmember Misiura moved Ordinance 2018-05 for introduction; Councilmember Bluth seconded.

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

Ordinance introduced 6-0.

Public hearing scheduled for April 2, 2018

ORDINANCE 2018-05

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

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 29,
ENTITLED "SIGNS", SECTIONS 3 AND 8, ENTITLED “GENERAL
REGULATIONS” AND "CHANGEABLE COPY SIGNS",
RESPECTIVELY OF THE REVISED GENERAL ORDINANCES OF
THE BOROUGH OF HIGHTSTOWN, NEW JERSEY**

WHEREAS, it is the public policy of the Borough of Hightstown, a municipal corporation in the County of Mercer, State of New Jersey, to protect the rights of expressive speech and viewpoint communication, as secured by the Constitution of the United States and the Constitution of the State of New Jersey, to the full extent of all applicable law, for all persons within its jurisdiction, and;

WHEREAS, the Borough seeks to protect the rights and opportunities for commercial speech within an environment, the aesthetics of which present a quality of attractiveness, so as to enhance the opportunities for development and growth of business enterprises, and for that purpose presents a pleasing and uncluttered business milieu intended to be attractive to patrons and residents alike, and;

WHEREAS, the Borough seeks to protect and enhance the safety and efficacy of vehicular traffic flow, and to protect pedestrian and other persons and their property within the public right of way, and;

WHEREAS, research indicates that built-up clutter, meaning signage or similar distractions existing in large size or numerical profusion of items or content within a fixed area visible to motorists, induces a greater distraction to drivers than non-complex distractions; and

WHEREAS, research further indicates that illuminated signage visible to drivers causes a longer duration of distraction than non-illuminated signage; and

WHEREAS, research has shown that blinking, flashing, moving, or otherwise animated signage produces a longer distraction time for drivers than ordinary signage without added distractive elements or characteristics; and

WHEREAS, research has demonstrated that variable message signs, consisting of changing moveable images or text, product, when visible to motorists, a longer duration of distraction time than static signs, and correlate to an increase in vehicular accidents; and

WHEREAS, The Borough Council of the Borough of Hightstown finds that the public health, safety, morals and general welfare of the community shall be promoted by the revision and amendment of Chapter 29 of the Revised General Ordinances pertaining to signs; and

WHEREAS, the Planning Board of the Borough of Hightstown has adopted a Master Plan that comprehensively provides for the appropriate use, regulation, and development of lands in the Borough in a manner which will promote the public health, safety, morals and general welfare; and

WHEREAS, the Municipal Land Use Law, N.J.S.A. 40:55D-62a requires substantial consistency of the provisions regulating zoning and land use with the adopted Master Plan; however, a governing body may adopt a zoning ordinance or zoning map wholly or partially inconsistent with such land use plan element provided that the reasons for doing so are set forth in a resolution and recorded in its minutes, and;

WHEREAS, the Planning Board has determined that the revisions and amendments to the Revised General Ordinances are consistent with said Master Plan, represent sound land use regulation, and therefore favorably recommends to the Borough Council that the regulations pertaining to signs be so amended, and;

WHEREAS, this Ordinance does not involve a classification and boundary change requiring individual property owner notice pursuant to N.J.S.A. 40:55D-62.1.

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council and the Borough of Hightstown that Chapter 29 of the Revised General Ordinances be hereby amended as follows:

Section 1. Chapter 29 "Signs", Section 3, entitled, "General Regulations" is hereby amended to add Paragraphs K and L as follows:

- K. Sign Luminance. No sign shall exhibit a luminance exceeding 12.54 lumens per square foot (135 candelas per square meter) measured at right angles and 60 feet distant therefrom the face of the illuminated sign.

Section 2. Chapter 29 "Signs", Section 8, entitled, "Changeable Copy Signs" is hereby amended to read as follows:

29-8. Changeable Copy Signs.

Changeable copy signs, where permitted, shall comply with the provisions of this chapter, including the following additional requirements:

- A. The purpose of a changeable copy sign is to apprise the public of special events, attractions, or similar

time-related information. Changeable copy shall not be used to advertise merchandise or special sales events, provided, however, that the prices of motor fuel may be displayed on a changeable copy sign on the premises where such motor fuel is sold.

- B. All such signs shall be permanently affixed to the ground or to a structure.
- C. Copy shall be changed by means of moveable lettering, which is more than one eighth (1/8) inch in thickness and shall not be changed more than once every twenty-four (24) hours. Changeable copy signs that are changed more frequently shall be considered animated signs and shall not be permitted.
- D. Changeable copy may not be located in any residential zoning district, excepting institutional uses.
- E. Changeable copy signs may be either freestanding signs or canopy signs and shall conform to the height limitations of such signs.
- F. No more than one (1) freestanding changeable copy sign shall be permitted per street frontage.
- G. The changeable portion of the sign shall be limited to three (3) lines of wording or, in the case of a cinema with more than one (1) theater, two (2) line per theater.
- H. The sign area of a changeable copy sign shall be included in the total permissible sign area for freestanding or canopy signs, as the case may be, excepting institutional uses. Changeable copy signs for institutional uses shall not exceed twelve (12) square feet in area.
- I. No portion of the lighting source for changeable copy signs shall be visible to the public traveling upon a public way.

Section 3. Continuation. In all other respects, the Revised General Ordinances of the Borough of Hightstown shall remain unchanged.

Section 4. Severability. If any portion of this Ordinance is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of the Revised General Ordinances as a whole, or any other part thereof.

Section 5. Repealer. All ordinances or parts of ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency only.

Section 6. Enactment. This Ordinance shall take effect upon the filing thereof with the Mercer County Planning Board after final passage, adoption, and publication by the Borough Clerk of the Borough of Hightstown in the manner prescribed by law.

2018-06 First Reading and Introduction – An Ordinance Amending and Supplementing the “Revised General Ordinances of the Borough of Hightstown,” Regarding Containers, Portable Storage Units and Dumpsters

Councilmember Hansen moved Ordinance 2018-06; Councilmember Bluth seconded.

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

Ordinance introduced 6-0.

Public hearing scheduled for April 2, 2018

Ordinance 2018-06

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

AN ORDINANCE AMENDING AND SUPPLEMENTING THE “REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN.” REGARDING CONTAINERS, PORTABLE STORAGE UNITS AND DUMPSTERS

WHEREAS, the Construction and Zoning Official of the Borough finds there is a need to amend Subsection 18-1-4 entitled “Containers” and Subsection 28-10-16 entitled “Portable Storage units and Dumpsters” of the “Revised General Ordinances of the Borough of Hightstown”; and

WHEREAS, the Mayor and Council concur with the recommended changes for the health, safety and quality of life for the Borough residents.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Mayor and Borough Council of the Borough of Hightstown, in the County of Mercer and State of New Jersey, that Chapter 18, entitled “Garbage and Rubbish” Subsection 18-1-4, entitled “Containers” of the “Revised General Ordinances of the Borough of Hightstown”; is hereby amended and supplemented in order to add the:

Subsection 18-1-4 Containers.

a. One garbage container shall be provided by the Borough to each residential dwelling unit and non-residential user and shall remain the property of the Borough. Each dwelling can only place their one designated garbage container out for pickup. Placing more than one container per dwelling out for pickup is a violation of this ordinance. Each container shall be identified with a serial number and a log shall be maintained by the Public Works department of all containers distributed and their location. Users shall have a choice of a 95-gallon or 65-gallon container. Containers shall be maintained by the user in a clean, safe and good condition..

b. The Borough shall not be obligated to furnish more than one garbage container for each residential dwelling unit or nonresidential user within the Borough. Requests for additional garbage containers shall be submitted to the Borough Clerk on forms provided by him or her. Each such request shall be investigated by the Borough to determine if the requestor is in compliance with all portions of Chapter 18 of the *Revised General Ordinances of the Borough of Hightstown* and all laws regarding recycling and the disposal of solid waste. Additional containers will be provided only in cases of extraordinary and documented need, as determined by the Solid Waste Committee, following review of the information submitted in writing by the applicant.

c. Except as provided in subsection 18-1.5, garbage will not be collected unless contained within containers provided by and registered with the Borough.

BE IT FURTHER ORDAINED, by the Mayor and Borough Council of the Borough of Hightstown, in the County of Mercer and State of New Jersey, that Chapter 28, entitled “Zoning” Subsection 28-10-16, entitled “Portable Storage Units and Dumpsters” of the “Revised General Ordinances of the Borough of Hightstown”; is hereby amended and supplemented in order to add the following (additions are shown with underline, deletions are shown with ~~strike through~~):

Subsection 28-10-16 Portable Storage Units and Dumpsters.

a. Usage of Portable Storage Unit. A portable storage unit may be used for holding personal property when work in a structure may require personal property to be placed elsewhere, or for loading or unloading personal property when moving to or from a structure.

b. Usage of Dumpsters. A dumpster may be used for holding refuse, garbage, waste, construction materials, debris or recyclables while work in a structure is under way requiring a place to throw away large amounts of waste materials, or for holding waste materials. The dumpster shall not be used to hold construction debris or any hazardous, harmful or offensive materials from offsite locations.

c. Frequency and Duration. An "event" shall consist of the delivery and pick-up of the portable storage unit or multiple deliveries and pick-ups within thirty (30) days. Temporary portable storage units and dumpsters may not exceed the following durations of stay:

(1) In any of the Residential Zoning Districts, events shall be a maximum of thirty (30) calendar days per event with a maximum of four (4) events per structure per calendar year. There shall be at least one (1) month between each event.

(2) In Residential Zoning Districts, the Zoning Officer may approve an event lasting more than the maximum of thirty (30) calendar days described above, but not more than ninety (90) days provided a permit for construction or rehabilitation has been obtained for the subject property.

d. Placement. Portable storage units and dumpsters may not be placed in streets or public rights-of-way or on easements for utility maintenance or forward of the front wall of the principal structure unless authorized by the Zoning Officer. Such authorization shall be controlled by the availability and practicality of placing the portable storage unit or dumpster elsewhere on the property.

e. Responsibility of user. Portable storage units and dumpsters shall be in good condition, free from deterioration, weathering, discoloration, rust, ripping, tearing or other holes, breaks or leaks. When not in use, the portable storage unit shall be kept locked. Dumpster lids and doors shall be kept tightly and completely closed when not in use. The user is responsible to ensure no hazardous substances are stored or kept within a portable storage unit or dumpster. The area surrounding the dumpster shall also be kept clean and free of debris. (Ord. No. 2010-08)

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

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

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

Redevelopment Plan

2018-72 Resolution of the Borough of Hightstown, in the County of Mercer, Designating Certain Property as an Area in Need of Redevelopment

Councilmember Montferrat moved Resolution 2018-72; Councilmember Hansen seconded.

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

Resolution adopted 6-0.

Resolution 2018-72

BOROUGH OF HIGHTSTOWN

*COUNTY OF MERCER
STATE OF NEW JERSEY*

**RESOLUTION OF THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF
MERCER DESIGNATING CERTAIN PROPERTY AS 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.* (the “Redevelopment Law”), 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 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 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 tax map (collectively, the “Original Project Area”), which constitutes part of Sub-Area I (Bank Street), by constructing thereon a mixed-use project (the “Project”); and

WHEREAS, the Redeveloper 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, by Resolution No. 2017-203 adopted on December 11, 2017, the Borough Council authorized and directed the Borough’s Planning Board (the “Planning Board”) to conduct a preliminary investigation to determine whether the Additional Property meets the criteria for, and should be designated as an area in need of redevelopment; and

WHEREAS, on March 12, 2018, the Planning Board (the “Planning Board”) conducted a hearing in accordance with N.J.S.A. 40A:12A-6b to determine whether the Additional Property meets criteria for designation as an area in need of redevelopment; and

WHEREAS, the Planning Board received a report prepared by the Planning Board’s Planning Consultants, Brian Slaugh, P.P. and Kendra Lelie, P.P. of Clarke Caton Hintz, P.C., entitled “Preliminary Investigation of an Area in Need of Redevelopment, Expansion of the Bank Street (Sub-Area 1) Redevelopment Area Block 21, Lot 20, Hightstown, Mercer County, New Jersey” (the “Report”) regarding whether the Additional Property should be designated an area in need of redevelopment; and

WHEREAS, at the above-described public hearing, Mr. Slaugh testified that the Additional Property meets the criteria for redevelopment area designation set forth in N.J.S.A. 40A:12A-5c, 5e and 5h and that, moreover, even if the Additional Property did not meet any such criteria, it would still qualify under N.J.S.A. 40A:12A-3 as it is necessary for the effective redevelopment of the Redevelopment Area; and

WHEREAS, on March 12, 2018, the Planning Board determined that the Additional Property meets criteria set forth in N.J.S.A. 40A:12A-5c, 5e, and 5h and that, under N.J.S.A. 40A:12A-3, the Additional Property is necessary for the effective redevelopment of the Redevelopment Area, and recommended that the Borough Council so designate the Additional Property; and

WHEREAS, on March 12, 2018, the Planning Board adopted a resolution memorializing the aforementioned findings and conclusions (the “Planning Board Resolution”); and

WHEREAS, the Borough Council agrees with the conclusions of the Planning Board that the Additional Property meets the aforementioned criteria for redevelopment area designation and that the Additional Property is necessary for the effective redevelopment of the Redevelopment Area pursuant to N.J.S.A. 40A:12A-3, and the Borough Council finds that such conclusions are supported by substantial evidence, as described in more detail in the Planning Board Resolution; and

WHEREAS, the Borough Council further agrees with the recommendations of the Planning Board that the Additional Property be designated as an area in need of redevelopment under the Redevelopment Law and the Borough Council now desires to so designate the Additional Property.

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 Additional Property is hereby designated as an area in need of redevelopment under the Redevelopment Law.

Section 3. In connection with the Additional Property, the Township is 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. This resolution shall take effect immediately.

2018-07 First Reading and Introduction – Ordinance of the Borough of Hightstown, in the County of Mercer Approving an Amendment to Redevelopment Plan for Main Street Redevelopment Area

Councilmember Montferrat moved Ordinance 2018-07 for introduction; Councilmember Hansen seconded.

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

Ordinance introduced 6-0.

Public hearing scheduled for April 2, 2018

Ordinance 2018-07

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

**ORDINANCE OF THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER
APPROVING AN AMENDMENT TO REDEVELOPMENT PLAN FOR MAIN STREET
REDEVELOPMENT AREA**

WHEREAS, pursuant to the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 *et seq.* (the “Redevelopment Law”), 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 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 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 tax map (collectively, the “Original Project Area”), which constitutes part of Sub-Area I (Bank Street), by constructing thereon a mixed-use project (the “Project”); and

WHEREAS, the Redeveloper 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, on March 19, 2018, the Borough Council adopted a resolution designating the Additional Property as an area in need of redevelopment

WHEREAS, the Borough Council now desires to amend the Redevelopment Plan to also apply to the Additional Property.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED 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 Redevelopment Plan shall also apply to Block 21, Lot 20, which shall be part of “Sub-Area I (Bank Street)”, notwithstanding the fact that maps and figures contained therein do not depict such parcel or that the narrative descriptions of the area governed by THE Redevelopment Plan do not include the Additional Property. The standards and other provisions set forth in the Redevelopment Plan applicable to Sub-Area I (Bank Street) shall also apply to the Additional Property.

Section 3. If any part(s) of this ordinance shall be deemed invalid, such part(s) shall be severed and the invalidity thereof shall not affect the remaining parts of this ordinance.

Section 4. All ordinances and resolutions or parts thereof inconsistent with this ordinance are hereby rescinded.

Section 5. A copy of this ordinance shall be forwarded to the Secretary of the Planning Board for action consistent herewith.

Section 6. This ordinance shall take effect in accordance with applicable law.

RESOLUTIONS

2018-73 Authorizing Payment of Bills

Councilmember Musing moved Resolution 2018-73; Councilmember Misiura seconded.

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

Resolution adopted 6-0.

Resolution 2018-73

*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 \$149,998.92 from the following accounts:

Current		\$71,801.94
W/S Operating		47,294.03
General Capital		11,499.50
Water/Sewer Capital		12,707.61
Grant		0.00
Trust		6,410.24
Housing Trust		0.00
Animal Control		285.60
Law Enforcement Trust		0.00
Housing Rehab Loans		0.00
Unemployment Trust		0.00
Escrow		<u>0.00</u>
Total		<u>\$149,998.92</u>

2018-74 Authorizing Change Order #1 Van Cleef Engineering Associates (Engineering Design and Inspection Services for Rehabilitation of East Ward Street)

Councilmember Hansen moved Resolution 2018-74; Councilmember Misiura seconded

Borough Administrator/Clerk, Debra Sopronyi, explained that this change order is with respect to the Rehabilitation of East Ward Street. Van Cleef Engineering is required to perform certain additional, unanticipated work relating to this project due to unforeseen delays and unacceptable work practices by the contractor, Earl Asphalt Co. In regards to Borough Attorney, Fred Raffetto's letter dated March 15, 2018, the Borough intends to retain the sum of \$4,621.00 from the proceeds payable to Earl Asphalt Co., due to the fact that additional work by Van Cleef Engineering is directly related to Earl Asphalt's failure to complete the project in a satisfactory and timely manner.

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

Resolution adopted 6-0.

Resolution 2018-74

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

**AUTHORIZING CHANGE ORDER #1 VAN CLEEF ENGINEERING ASSOCIATES
(ENGINEERING DESIGN AND INSPECTION SERVICES FOR REHABILITATION
OF EAST WARD STREET)**

WHEREAS, on March 21, 2016, the Borough Council awarded a contract for Engineering Design and Inspection Services for the Rehabilitation of East Ward Street in Hightstown Borough to Van Cleef Engineering Associates of Hamilton, New Jersey at cost not to exceed \$14,250.00 for design/bid services and a cost not to exceed \$22,750.00 for contract administration/inspection services for a total not to exceed amount of \$37,000.00; and

WHEREAS, the engineer has submitted change order #1 in the amount of \$4,621.00 which will provide for additional inspections, site visits and coordination with the contractor due to work by the contractor that was deemed to be substandard; and

WHEREAS, the CFO has certified that funds are available for this expenditure.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that change order #1 in the amount of \$4,621.00 to Van Cleef Engineering Associates, Inc., of Hamilton, New Jersey is hereby approved as detailed herein.

2018-75 Authorizing the Execution of an Agreement with New Jersey Department of Transportation (NJDOT), for the Construction and Construction Inspection Services of the Peddie Lake Dam Walking Bridge Replacement

Councilmember Bluth moved Resolution 2018-75; Councilmember Musing seconded.

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

Resolution adopted 6-0.

Resolution 2018-75

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

**AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH
NEW JERSEY DEPARTMENT OF TRANSPORTATION (NJDOT), FOR
CONSTRUCTION AND CONSTRUCTION INSPECTION SERVICES OF THE
PEDDIE LAKE DAM WALKING BRIDGE REPLACEMENT**

WHEREAS, On March 5, 2018, The Federal Highway Administration authorized funding up to an amount of 374,450.00 for construction and \$121,215.00 for construction inspection services for the Peddie Lake Dam Walking Bridge Replacement; and

WHEREAS, The NJDOT has forwarded to Hightstown Borough, a Federal Aid Agreement for said funding; and

WHEREAS, NJDOT is requesting Hightstown Borough to execute and attest to four (4) copies of said agreement.

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

1. That the Mayor is hereby authorized to execute and the Municipal Clerk to attest the attached Agreement on behalf of the Borough.
2. That all relevant officials are authorized to undertake any actions necessary to effectuate and implement the said Agreement.

CONSENT AGENDA

Councilmember Bluth moved Resolutions 2018-76; 2018-77; 2018-78; 2018-79 as a Consent Agenda; Councilmember Hansen seconded.

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

Resolutions adopted 6-0.

Resolution 2018-76

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

AUTHORIZING AN AMENDMENT TO RESOLUTION APPOINTING AND AUTHORIZING AN AGREEMENT FOR PROFESSIONAL SERVICES – AFFORDABLE HOUSING ATTORNEY

WHEREAS, on January 16, 2018, Hightstown Borough Council adopted Resolution 2018-34 appointing Jolanta Maziarz of Woolson Anderson Maziarz, P.C. of Somerville, New Jersey, as Affordable Housing Attorney for the year 2018; and

WHEREAS, in accordance with Resolution 2018-34, the Borough entered into an Agreement for Professional Affordable Housing Legal Services with Woolson, Anderson, Maziarz, P.C. for the year 2018; and

WHEREAS, Jolanta Maziarz will no longer maintain an association with Woolson, Anderson, Maziarz, P.C. after March 31, 2018; and

WHEREAS, although the Borough has been advised that it may maintain its current Agreement for Professional Legal Services with Woolson, Anderson, Maziarz, P.C. for the year 2018, Borough Council desires to continue to retain Jolanta Maziarz as its Affordable Housing Attorney and further desires to amend its Agreement for Professional Legal Services for the year 2018 in order to retain the law firm of Ventura, Miesowicz, Keough & Warner, P.C., by whom Ms. Maziarz will be employed, effective April 1, 2018; and

WHEREAS, with the exception of the replacement of Woolson, Anderson, Maziarz, P.C. with the law firm of Ventura, Miesowicz, Keough & Warner, P.C., the original appointment for the year 2018 shall remain unchanged in all other respects.

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 authorized to execute and the Borough Clerk to attest an Agreement between the Borough of Hightstown and Jolanta Maziarz, Esq. with the law firm Ventura, Miesowicz, Keough & Warner, P.C. regarding the above-referenced professional affordable housing legal services, as set forth herein.

2. That this contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because Ventura, Miesowitz, Keough & Warner, P.C. is a firm is authorized by law to practice a recognized profession.
3. That this contract is being awarded in accordance with the Local Unit Pay-to-Play Law and Section 2-59 of the *Revised General Ordinances of the Borough of Hightstown*, and the Business Disclosure Entity Certification, and other certifications required pursuant to same shall be placed on file with the contract.

Resolution 2018-77

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

AUTHORIZING APPLICATION FOR A RECYCLING TONNAGE GRANT

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c. 102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection and Energy has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including, but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for the 2017 tonnage grant will memorialize the commitment of this municipality to recycling, and will indicate the assent of the Mayor and Council of the Borough of Hightstown to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations;

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

1. The Borough of Hightstown hereby endorses the submission of a 2017 recycling tonnage grant application to the New Jersey Department of Environmental Protection.
2. Ken Lewis, Recycling Coordinator, 156 Bank Street, Hightstown, New Jersey 08520, is hereby designated and directed to ensure that the application is properly completed and timely filed;
3. Monies received from the recycling tonnage grant shall be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

Resolution 2018-78

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

AUTHORIZING A TRANSFER OF FUNDS IN THE 2017 BUDGET

Whereas, N.J.S.A. 40A:4-59 provides that the governing body may authorize a transfer of funds in the budget during the first three months of the following year.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the following transfers in the 2017 budget are hereby authorized:

<u>Current:</u>	<u>From</u>	<u>To</u>
Gasoline		
Other Expenses	\$ 15,000.00	\$ -
Police		
Other Expenses	9,500.00	
Emergency Medical Services		
Other Expenses	10,000.00	
Buildings and Grounds		
Other Expenses	1,200.00	
Police		
Salaries and Wages		9,500.00
Snow Removal		
Other Expenses	-	10,000.00
Office Supplies		
Other Expenses		1,000.00
Data Processing		
Other Expenses		3,000.00
Planning Board		
Other Expenses		10,000.00
Environmental Commission		
Other Expenses		200.00
Engineer		
Other Expenses	-	2,000.00
TOTALS	\$ 35,700.00	\$ 35,700.00

Resolution 2018-079

*BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER*

STATE OF NEW JERSEY

**AUTHORIZING EMERGENCY TEMPORARY APPROPRIATIONS
PRIOR TO ADOPTION OF THE 2018 BUDGET**

WHEREAS, an emergent condition has arisen with respect to inadequate appropriation balances remaining in some line items of the 2018 temporary budget; and

WHEREAS, N.J.S.A. 40A:4-20 provides for the creation of emergency appropriations for the purposes above mentioned; and

WHEREAS, it is the desire of the Mayor and Council to create emergency temporary appropriations as set forth on Schedule "A," attached; and

WHEREAS, the total emergency temporary appropriations in resolutions adopted in the year 2018 pursuant to the provisions of N.J.S.A. 40A:4-20 (Chapter 96, P.L. 1951, as amended), including this resolution, total:

	<i>THIS RESOLUTION</i>	<i>PREVIOUS TOTAL</i>	<i>CUMULATIVE TOTAL</i>
Current	0.00	244,000.00	244,000.00
Capital Outlay – Current	0.00	0.00	0.00
Debt Service - Current	0.00	0.00	0.00
Water/Sewer	100,000.00	0.00	100,000.00
Capital Outlay – W/S	0.00	0.00	0.00
Debt Service - W/S	0.00	0.00	0.00
TOTAL	100,000.00	244,000.00	344,000.00

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Hightstown (not less than two-thirds of all the members of thereof affirmatively concurring) that, in accordance with N.J.S.A. 40A:4-20:

1. An emergency temporary appropriation is hereby made for each item listed on the schedules that are attached hereto and made a part hereof;
2. Each emergency appropriation listed will be provided for in the 2018 budget under the same title as written herein;
3. One certified copy of this resolution will be filed with the Director of Local Government Services, and a copy provided to the Chief Finance Officer.

PUBLIC COMMENT PERIOD II

Council President Stults opened the public comment period II and the following individuals spoke:

Scott Caster, 12 Clover Lane – Stated that Council is planning on placing sidewalks on all new projects in the Borough; sidewalks are not needed on all streets. This is a burden on the residents.

There being no further comments, Council President Stults closed the public comment period.

DISCUSSION

Diversity Survey for Sustainable Jersey Certification

Keith LePrevost, Chair Environmental Commission explained that this is not required but will give us additional points for Sustainable Jersey. This would be distributed to all Boards, Committees and Commissions. It helps the town look at their diversity and helps us become aware of how the community operates. It is an educational exercise and is anonymous and voluntary. Discussion ensued. After a straw vote of 4-2, Council agreed to move forward with the Diversity Survey.

SUBCOMMITTEE REPORTS

Streets & Sidewalks

Councilmember Misiura stated that the committee will prioritize where we need sidewalks. Looking at the major roadways for sidewalks and crosswalks. The Planning Board is also looking at a DVRPC Grant for bikeways.

Lincoln/Hagemount/Rocky Brook

Councilmember Montferrat will be scheduling a meeting for this committee.

MAYOR/COUNCIL/ADMINISTRATIVE REPORTS

Councilmember Bluth

Cultural Arts Commission will be hosting Empty Bowls this Saturday, March 24th at the Peddie School Cafeteria.

Councilmember Montferrat

Board of Health met last Wednesday. Environmental Commission will meet next week. Thanked all the staff for their working during the last storm.

Councilmember Misiura

Planning Board met last week. They are working with the Construction office on an ordinance for gazeboes and tree houses.

Councilmember Musing

The last HPC meeting was cancelled.

Council President Stults

The last business meeting group was cancelled. The Housing Authority will meet next Wednesday. Off the Leash, a dog grooming service, has opened in town. Himself and Chief Gendron recently went to Robbinsville to tour their current Police building.

Peggy Riggio, Deputy Clerk

Dr. Caruso will once again be having a free dental day for residents on April 14, 2018. Anyone interested can call Dr. Caruso's office for an appointment.

ADJOURNMENT

Councilmember Montferrat moved to adjourn to executive session at 10:10 p.m.; Councilmember Bluth seconded. All ayes.

Councilmember Montferrat moved to adjourn at 10:26 p.m.; Councilmember Hansen seconded. All ayes.

Respectfully Submitted,

Margaret M. Riggio
Deputy Borough Clerk