# Meeting Minutes Hightstown Borough Council June 17, 2019 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
Councilmember Bluth	✓	
Councilmember Egan	✓	
Councilmember Jackson		✓
Councilmember Misiura	✓	
Councilmember Musing	✓	
Councilmember Stults		✓
Mayor Quattrone	✓	

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

# **EXECUTIVE SESSION**

#### **Resolution 2019-117 Authorizing a Meeting that Excludes the Public**

Moved by Council President Misiura; Seconded by Councilmember Bluth.

Roll Cal Vote: Councilmembers Bluth, Egan, Misiura and Musing voted yes.

Resolution adopted 4-0.

Resolution 2019-117

BOROUGH OF HIGHTSTOWN COUNTY OF MERCER STATE OF NEW JERSEY

# AUTHORIZING A MEETING WHICH EXCLUDES THE PUBLIC

**BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that this body will hold a meeting on June 17, 2019 at the Hightstown Fire House 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 – Mills at Hightstown Housing Authority PILOT

Stated as precisely as presently possible the following is the time when and the circumstances under which the discussion conducted at said meeting can be disclosed to the public: September 17, 2019, 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 and again read the Open Public Meetings Statement.

Councilmember Stults arrived during Executive Session and is now present. Councilmember Jackson, CFO, George Lang, and Deputy CFO, Monika Patel arrived after Executive Session and are now present.

The Flag Salute followed roll call.

# APPROVAL OF AGENDA

Councilmember Stults requested to add Resolution 2019-127 to the agenda. This will be placed following Resolution 2019-122.

Councilmember Stults moved the agenda as amended; Councilmember Egan seconded.

Roll Call Vote: Councilmembers Bluth, Egan, Jackson, Misiura, Musing and Stults voted yes.

Amended approved as amended 6-0.

#### **APPROVAL OF MINUTES**

#### May 20, 2019 - Public Session

Moved by Councilmember Stults; Seconded by Councilmember Jackson.

Roll Call Vote Councilmembers Bluth, Egan, Jackson, Misiura, Musing and Stults voted yes.

Minutes approved 6-0.

#### PUBLIC COMMENT I

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

Tori Watkins, 68 Meadow Drive – Questioned if the items listed under discussion was 1 item or 2 items.

<u>Kevin Brink, Captain Hightstown Fire Company</u> – Questioned the adoption of the Budget. The Fire Department did not get requested amount. Request was submitted in April, Council nor the Administrator asked any questions and no one spoke to the department regarding the request. Why did they not receive an increase as requested?

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

#### **BUDGET 2019**

#### **Resolution 2019-118 Self Examination of Budget**

Moved by Councilmember Musing; Seconded by Councilmember Bluth.

Roll Call Vote Councilmembers Bluth, Egan, Jackson, Misiura, Musing and Stults voted yes.

Resolution adopted 6-0.

Resolution 2019-118

# BOROUGH OF HIGHTSTOWN COUNTY OF MERCER STATE OF NEW JERSEY

#### **SELF-EXAMINATION BUDGET RESOLUTION**

**WHEREAS,** N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

**WHEREAS**, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Borough of Hightstown has been declared eligible to participate in the program by the Division of Local government Services, and the Chief Financial officer has determined that the local government meets the necessary conditions to participate in the program for the 2019 budget year.

**NOW THEREFORE BE IT RESOLVED** by the governing body of the Borough of Hightstown that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

- 1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
- a. Payment of interest and debt redemption charges
- b. Deferred charges and statutory expenditures
- c. Cash deficit of preceding year
- d. Reserve for uncollected taxes

- e. Other reserves and non-disbursement items
- f. Any inclusions of amounts required for school

purposes.

2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).

3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.

4. That pursuant to the Local Budget Law:

a. All estimates of revenue are reasonable, accurate and correctly stated,

b. Items of appropriation are properly set forth

c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.

5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.

6. That all other applicable statutory requirements have been fulfilled.

**BE IT FURTHER RESOLVED** that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

# **Resolution 2019-119 Authorizing the Budget to be Read by Title Only**

Moved by Councilmember Stults; Seconded by Councilmember Jackson.

Roll Call Vote Councilmembers Bluth, Egan, Jackson, Misiura, Musing and Stults voted yes.

Resolution adopted 6-0.

Resolution 2019-119

BOROUGH OF HIGHTSTOWN COUNTY OF MERCER STATE OF NEW JERSEY

# AUTHORIZING THE BUDGET TO BE READ BY TITLE ONLY

**WHEREAS**, pursuant to 40A:4-10, as amended by Chapter 95, P.L.2015, provides that the budget may be by title when procedures required by N.J.S.40A:4-8 and N.J.S.40A:4-9 or section 12 of P.L.1995, c.259 (C.40A:4-6.1), as applicable, have been followed; and

WHEREAS, N.J.S.A. 40A:4-8, as amended by Chapter 259, P.L. 1995 provides that the budget be read by title only at the time of the public hearing if a resolution is passed by not less than a majority of the full governing body; and

WHEREAS, the Borough Council finds that the budget for 2019 shall be read by title only.

NOW, THEREFORE BE IT RESOLVED that the budget shall be read by title only.

#### ROLL CALL RECORDED VOTE:

	1st	2nd	Yes	No	Abstain
Ms. Bluth			~		
Ms. Egan			~		
Mr. Jackson		~	~		
Mr. Misiura			~		
Mr. Musing			~		
Mr. Stults	~		~		

#### **Public Hearing for the 2019 Budget**

Mayor Quattrone opened the Public Hearing for the 2019 Budget and the following individuals spoke:

Kevin Brink, Captain Hightstown Fire Company – Again questioned why the Fire Department did not get requested amount in the proposed budget.

Neil Glackin, 290 Monmouth Street – The Fire Company was asked by the Borough to submit their audit in 2018.

There being no further comments, the Mayor closed the Public Hearing.

Council President Misiura commented regarding the Fire Department Budget Request. He stated that the Fire Department Budget request was discussed. Council had requested information from the Fire Department and to date, have not received what they asked for. The Department received a large increase in 2018. Council needs to look at the budget as a whole. We can certainly revisit the increase next year. He also suggested the Fire Department consider sending a representative to the Budget meetings.

#### **Resolution 2019-120 Adoption of 2019 Budget**

Moved by Councilmember Musing; Seconded by Councilmember Bluth.

Roll Call Vote Councilmembers Bluth, Egan, Jackson, Misiura, Musing and Stults voted yes.

Budget adopted 6-0.

#### **ORDINANCES**

Ordinance 2019-09 Final Reading and Public Hearing – Bond Ordinance Providing a Supplemental Appropriation of \$165,000 for Various Improvements to the Water-Sewer Utility in and by the Borough of Hightstown, in the County of Mercer, New Jersey, and Authorizing the Issuance of \$165,000 Bonds or Notes of the Borough to Finance Part of the Cost Thereof

Mayor Quattrone opened the Public Hearing for Ordinance 2019-09. There being no one coming forward, Mayor Quattrone Closed the Public Hearing.

Moved for adoption by Councilmember Stults; Councilmember Stults seconded.

Roll Call Vote Councilmembers Bluth, Egan, Jackson, Misiura, Musing and Stults voted yes.

Ordinance adopted 6-0.

Ordinance 2019-09

BOROUGH OF HIGHTSTOWN COUNTY OF MERCER STATE OF NEW JERSEY

#### BOND ORDINANCE PROVIDING A SUPPLEMENTAL APPROPRIATION OF \$165,000 FOR VARIOUS IMPROVEMENTS TO THE WATER-SEWER UTILITY IN AND BY THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY, AND AUTHORIZING THE ISSUANCE OF \$165,000 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. The improvement described in Section 3(a) of this bond ordinance has heretofore been authorized to be undertaken by the Borough of Hightstown, in the County of Mercer, New Jersey (the "Borough"). For the improvement or purpose described in Section 3(a), there is hereby appropriated the supplemental amount of \$165,000, such sum being in addition to the \$1,270,000 appropriated therefor by bond ordinance #2017-10 of the Borough, finally adopted August 21, 2017 (the "Original Bond Ordinance"). No down payment is required as the purpose authorized herein is deemed self-liquidating and the bonds and bond anticipation notes authorized herein are deductible from the gross debt of the Borough, as more fully explained in Section 6(e) of this bond ordinance.

Section 2. In order to finance the additional cost of the improvement or purpose, negotiable bonds are hereby authorized to be issued in the principal amount of \$165,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within

the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement heretofore authorized and the purpose for the financing of which the bonds are to be issued is various improvements to the replacing and relining of the water mains and improvements to the sewer system, 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 \$1,435,000, including the \$1,270,000 authorized by the Original Bond Ordinance and the \$165,000 authorized herein.

(c) The estimated cost of the improvement or purpose is \$1,435,000, including the \$1,270,000 appropriated by the Original Bond Ordinance and the \$165,000 appropriated herein.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date, unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. 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 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 or other applicable law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

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

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

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

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

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$165,000, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$200,000 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,
\$185,000 was estimated for these items of expense in the Original Bond Ordinance and an additional \$15,000 is estimated therefor herein.

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

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

Section 8. The Borough expects to finance this improvement through the New Jersey Environmental Infrastructure

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

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

Section 10. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "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 2019-10 Final Reading and Public Hearing – Bond Ordinance Providing for Architect and Design Costs in Connection with the New Municipal Complex for Administration and the Police Department in and by the Borough of Hightstown, in the County of Mercer, New Jersey, Appropriating \$500,000 therefor and Authorizing the Issuance of \$476,000 Bonds or Notes of the Borough to Finance Part of the Cost Thereof

Mayor Quattrone opened the Public Hearing for Ordinance 2019-09. There being no one coming forward, Mayor Quattrone Closed the Public Hearing.

Moved for adoption by Council President Misiura; Seconded by Councilmember Stults.

Roll Call Vote Councilmembers Bluth, Egan, Jackson, Misiura, Musing and Stults voted yes.

Ordinance adopted 6-0.

Ordinance 2019-10

BOROUGH OF HIGHTSTOWN COUNTY OF MERCER STATE OF NEW JERSEY

#### BOND ORDINANCE PROVIDING FOR ARCHITECT AND DESIGN COSTS IN CONNECTION WITH THE NEW MUNICIPAL COMPLEX FOR ADMINISTRATION AND THE POLICE DEPARTMENT IN AND BY THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$500,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$476,000 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. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Borough of Hightstown, in the County of Mercer, New Jersey (the "Borough") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$500,000, including the sum of \$24,000 as the down payment required by the Local Bond Law. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$476,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is for architect and design costs in connection with the new municipal complex for Administration and the Police Department, including all related costs and expenditures incidental thereto.

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

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

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date, unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. 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 or other applicable law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

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

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

(a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is

11

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 15 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 \$476,000, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$500,000 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.

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

Section 8. Any grant moneys received for the purpose described in Section 3(a) hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the

opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Ordinance 2019-11 First Reading and Introduction – An Ordinance Authorizing the Borough of Hightstown to Acquire Easements for Temporary Construction and Permanent Access Over Certain Real Properties Located within the Borough, In Connection with the Stockton Street and Joseph Street Improvement Project

Moved for Introduction by Councilmember Stults; Seconded by Councilmember Jackson.

Roll Call Vote Councilmembers Bluth, Egan, Jackson, Misiura, Musing and Stults voted yes.

Ordinance introduced 6-0.

Public Hearing scheduled for July 15, 2019.

#### ORDINANCE 2019-11

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

#### AN ORDINANCE AUTHORIZING THE BOROUGH OF HIGHTSTOWN TO ACQUIRE EASEMENTS FOR TEMPORARY CONSTRUCTION AND PERMANENT ACCESS OVER CERTAIN REAL PROPERTIES LOCATED WITHIN THE BOROUGH, IN CONNECTION WITH THE STOCKTON STREET AND JOSEPH STREET IMPROVEMENT PROJECT.

**WHEREAS**, on August 17, 2015, the Borough of Hightstown (the "Borough") adopted Ordinance No. 2015-15, which represented a Bond Ordinance (the "Bond Ordinance") and which provided funding for improvements to Stockton Street and Joseph Street (the "project") in the Borough; and

**WHEREAS**, the Bond Ordinance appropriated the sum of \$430,000.00 for the project and authorized the issuance of \$430,000.00 in bonds or notes of the Borough to finance part of the cost thereof; and

WHEREAS, the Borough is also receiving federal funds for the project; and

**WHEREAS**, in order to facilitate the project, it will be necessary for the Borough to acquire easements for temporary construction and permanent access across three (3) properties located within the Borough; and

WHEREAS, the affected properties include the following:

- 369 Stockton Street (Block 47.01, Lot 1) Owner(s) of record: Hector Torres & Transito Torres Area of necessary easement: 40.5 s.f.;
- 401 Stockton Street (Block 49, Lot 1) Owner(s) of record: Douglas F. & Colleen Bean Noebels Area of necessary easement: 122 s.f.;
- 101 Joseph Street (Block 47, Lot 7) Owner(s) of record: Gary Evers & Karin Lowery Area of necessary easement: 2 s.f.; and

**WHEREAS**, copies of the individual parcel maps depicting the areas of the above-referenced properties which are needed to be acquired, by easement, relating to the project are attached to the within Ordinance and are made a part hereof (copies are on file in the office of the Borough Clerk); and

WHEREAS, pursuant to the New Jersey "Local Lands and Buildings Law," <u>N.J.S.A.</u> 40A:12-1, *et seq.*, a municipality may acquire any real property, capital improvement, personal property, or any interest or estate whatsoever therein, by purchase, gift, devise, lease, exchange, condemnation, or installment purchase agreement, pursuant to the adoption of an Ordinance;

WHEREAS, the Mayor and Council have determined that it would be in the best interests of the health, safety and welfare of the residents of the Borough, and the general public, to move forward to acquire easements for temporary construction and permanent access upon and across each of the above-referenced properties (as depicted in the attached) in order to facilitate the project.

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

<u>Section 1.</u> That, pursuant to <u>N.J.S.A.</u> 40A:12-1, *et seq.* the Borough is hereby authorized to acquire easements for temporary construction and permanent access upon and across each of the above-referenced properties (as depicted in the attached) in order to facilitate the project. This authorization includes utilization of the power of condemnation/eminent domain, if necessary, in accordance with <u>N.J.S.A.</u> 20:3-1, *et seq.*, in those circumstances where the easement(s) cannot be acquired through amicable negotiations.

<u>Section 2.</u> That any and all costs and expenses associated with said acquisitions shall be funded by the Bond Ordinance.

<u>Section 3.</u> That the Borough Attorney is hereby authorized and directed to prepare the necessary deeds of easement for each of the above-referenced properties. That the Borough Attorney is also authorized to institute proceedings before the Superior Court of New Jersey in order to acquire the easement(s) through the power of condemnation/eminent domain, in accordance with <u>N.J.S.A.</u> 20:3-1, *et seq.*, in any circumstance where the easement(s) cannot be obtained through amicable negotiations.

<u>Section 4.</u> That all relevant Borough officials are authorized to execute any documents that are necessary in order to effectuate the acquisition of the necessary easements concerning the above properties, either through amicable negotiations or through the power of condemnation/eminent domain, so long as said documents are in a form satisfactory to the Borough Attorney.

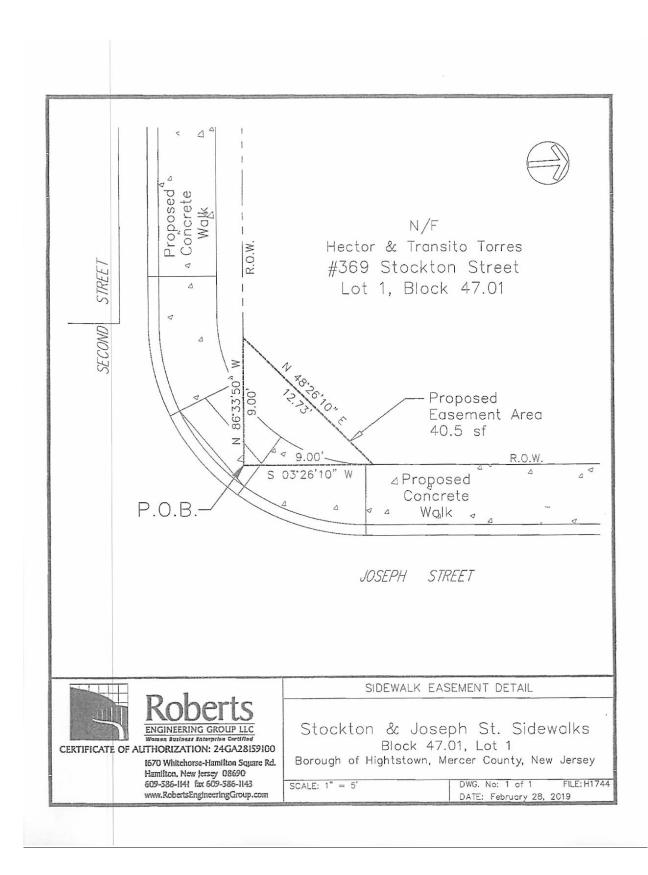
Section 5. That all relevant Borough officials are authorized to undertake all necessary activities in

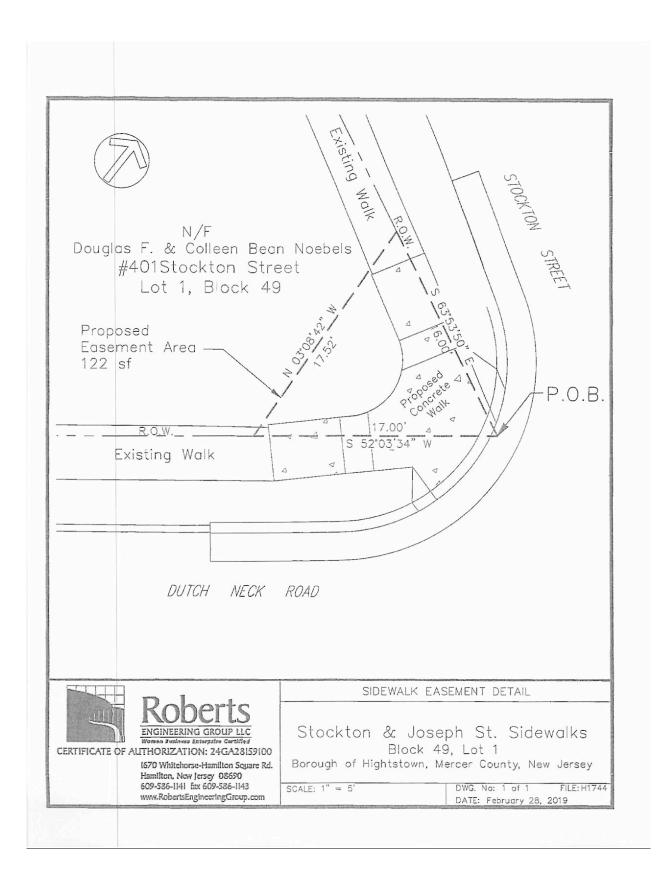
furtherance of the intentions of the within Ordinance.

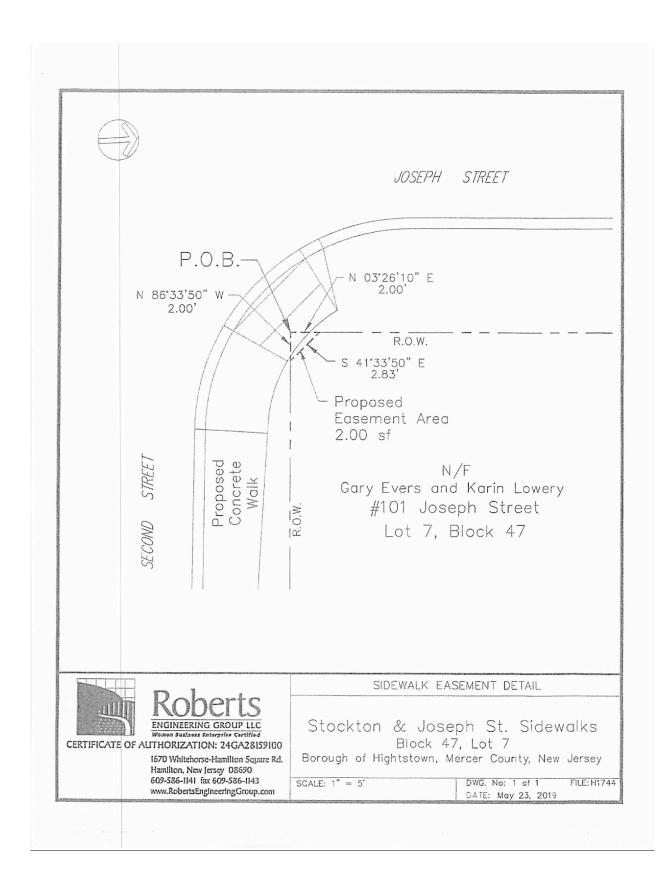
<u>Section 6.</u> That this Ordinance shall become effective immediately upon final passage and publication in accordance with the law.

Section 7. That all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

<u>Section 8.</u> That, in the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to that portion of the Ordinance actually adjudged to be invalid, and the remaining portions of this Ordinance shall be deemed severable therefrom and shall not be affected.







#### **RESOLUTIONS**

#### **Resolution 2019-121 Payment of Bills**

Moved by Councilmember Bluth; Seconded by Councilmember Egan.

Roll Call Vote: Councilmembers Bluth, Egan, Jackson, Misiura, Musing and Stults voted yes.

Resolution adopted 6-0.

Resolution 2019-121

# 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 \$184,813.58 from the following accounts:

Current	\$88,743.29
W/S Operating	82,323.75
General Capital	600.00
Water/Sewer Capital	0.00
Grant	0.00
Trust	4,640.16
Housing Trust	0.00
Animal Control	0.00
Law Enforcement Trust	7,726.38
Housing Rehab Loans	0.00
Unemployment Trust	0.00
Escrow	780.00
Total	<u>\$184,813.58</u>

# Resolution 2019-122 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

Moved as amended by Councilmember Musing; Seconded by Councilmember Bluth.

Roll Call Vote: Councilmembers Bluth, Egan, Jackson, Misiura, Musing and Stults voted yes.

Resolution adopted as amended 6-0.

#### Resolution 2019-122

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, as amended by Resolution 2018-72, adopted on March 19, 2018, the Borough Council ("<u>Borough Council</u>") of the Borough of Hightstown (the "<u>Borough</u>") 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, 20 & 26 on the Borough's official tax map (collectively, the "<u>Redevelopment Area</u>"), as an "area in need of redevelopment"; and

WHEREAS, a revised redevelopment plan ("<u>Redevelopment Plan</u>") 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 ordinances adopted March 6, 2017 and April 2, 2018; and

WHEREAS, on March 10, 2017, the Borough and RBG Hightstown, LLC ("<u>RBG</u>") entered into that certain Amended and Restated Redevelopment Agreement (the "<u>Redevelopment Agreement</u>"), pursuant to which, among other things, RBG 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, 20 & 26 on the Borough's official tax map (collectively, the "<u>Original Project Area</u>"), 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 "<u>Original Project</u>"); and

**WHEREAS**, RBG subsequently transferred its rights and obligations under the Redevelopment Agreement to the PRC Group ("<u>PRC</u>"),

**WHEREAS**, PRC has expressed a desire to also redevelop the parcels designated on the Borough's tax map as Block 8, Lots 12-14, Block 28, 48-55, and Block 30, Lot 14 (collectively, the "<u>Additional Property</u>"), located adjacent to the Original Project Area, to more effectively redevelop the area; and

WHEREAS, the Borough desires to authorize and direct the Borough's Planning Board (the "<u>Planning</u> <u>Board</u>") 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 Township so designates the Additional Property, then the Township 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 Township 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.

#### **Resolution 2019-127 Waiving Fees for Certain Parking Permits**

Councilmember Musing recused himself and exited the dais at this time.

Discussion ensued regarding Parking Permits for RISE. In the past, 4 permits were issued for Main Street and 4 permits were issued for Stockton Street. Fees were waived for all 8 permits. Council inquired as to why permits were needed for Main Street; can all 8 be issued for Stockton Street? The Borough Administrator was asked to reach out to RISE.

Moved to table by Councilmember Misiura; Seconded by Councilmember Egan.

Roll Call Vote: Councilmembers Bluth, Egan, Jackson, Misiura and Stults voted yes.

Resolution tabled 5-0.

Resolution 2019-127

BOROUGH OF HIGHTSTOWN COUNTY OF MERCER STATE OF NEW JERSEY

# WAIVING FEES FOR CERTAIN PARKING PERMITS

**WHEREAS** Rise (formerly known as the Community Action Service Center), a nonprofit agency serving Borough residents, has requested eight 2019-2020 parking permits for use by their staff, including two special permits for use in the Main Street parking lot and six permits for use in the Borough's permit parking area in the Stockton Street parking lot; and

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

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

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the Borough Clerk shall issue Rise eight (8) 2019-2020 parking permits as detailed herein and that the fees for these permits shall be waived.

Councilmember Musing returned to the dais at this time.

# **CONSENT AGENDA**

Councilmember Stults moved Resolutions 2019-123; 2019-124; 2019-125 and 2019-126 as a Consent Agenda; Councilmember Bluth seconded.

Roll Call Vote: Councilmembers Bluth, Egan, Jackson, Misiura, Musing and Stults voted yes.

Resolutions adopted 6-0.

Resolution 2019-123

# BOROUGH OF HIGHTSTOWN COUNTY OF MERCER STATE OF NEW JERSEY

# AUTHORIZING RENEWAL OF ALCOHOLIC BEVERAGE LICENSE #1104-33-003-009 PALUMBO RESTAURANTS, T/A TAVERN ON THE LAKE

**WHEREAS**, Palumbo Restaurants, Inc. has made application to the Borough for renewal of their Plenary Retail Consumption License #1104-33-003-009, together with the required fees; and

**WHEREAS**, the State of New Jersey Division of Taxation has certified, by issuance of an ABC Retail Licensee Clearance Certificate, that Palumbo Restaurants Inc. is in compliance with Chapter 161, Laws of New Jersey 1995, and that they have no objections to the renewal of this license; and

WHEREAS, the Police Department has been consulted and has no objections to renewal of this license;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the Municipal Clerk is hereby authorized to issue the following Alcoholic Beverage License to Palumbo Restaurants, Inc., doing business as Tavern on the Lake at 101-103 Main Street:

# 2019-20 Plenary Retail Consumption License License #1104-33-003-009 Fee: \$2,500.00

**BE IT FURTHER RESOLVED** that a certified copy of this resolution be forwarded to the Division of Alcoholic Beverage Control.

Resolution 2019-124

# BOROUGH OF HIGHTSTOWN COUNTY OF MERCER STATE OF NEW JERSEY

# AUTHORIZING RENEWAL OF ALCOHOLIC BEVERAGE LICENSE #1104-32-001-006 WINE DEPOT CORPORATION, T/A HEDY'S LIQUORS AND JOE CANAL'S DISCOUNT LIQUOR OUTLET

**WHEREAS**, Wine Depot Corporation has made application to the Borough for renewal of their Plenary Retail Consumption License with Broad Package Privilege License #1104-32-001-006, together with the required fees; and

**WHEREAS**, the State of New Jersey Division of Taxation has certified, by issuance of an ABC Retail Licensee Clearance Certificate, that Wine Depot Corporation is in compliance with Chapter 161, Laws of New Jersey 1995, and that they have no objections to the renewal of this license; and

WHEREAS, the Police Department has been consulted and has no objections to renewal of this license;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the Municipal Clerk is hereby authorized to issue the following Alcoholic Beverage License to Wine Depot Corporation, doing business as Hedy's Liquors and Joe Canal's Discount Liquor Outlet at 500 Mercer Street:

#### 2019-20 Plenary Retail Consumption License with Broad Package Privilege License #1104-32-001-006 Fee: \$2,500.00

**BE IT FURTHER RESOLVED** that a certified copy of this resolution be forwarded to the Division of Alcoholic Beverage Control.

Resolution 2019-125

# BOROUGH OF HIGHTSTOWN COUNTY OF MERCER STATE OF NEW JERSEY

# AUTHORIZING RENEWAL OF ALCOHOLIC BEVERAGE LICENSE #1104-44-002-011 – HIGHTSTOWN LIQUORS & WINES, LLC

**WHEREAS,** Hightstown Liquors & Wines, LLC has made application to the Borough for renewal of their Plenary Retail Distribution License #1104-44-002-011, together with the required fees; and

**WHEREAS**, the State of New Jersey Division of Taxation has certified, by issuance of an ABC Retail Licensee Clearance Certificate, that Hightstown Liquors & Wines, LLC, is in compliance with Chapter 161, Laws of New Jersey 1995, and that they have no objections to renewal of said license; and

WHEREAS, the Police Chief has been consulted and has no objections to renewal of this license.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the Municipal Clerk is hereby authorized to issue the following Alcoholic Beverage License to Hightstown Liquors & Wines, LLC, doing business as Hightstown Liquor at 107 Stockton Street:

#### 2019-2020 Plenary Retail Distribution License License #1104-44-002-011 Fee: \$2,500.00

**BE IT FURTHER RESOLVED** that a certified copy of this resolution be forwarded to the Division of Alcoholic Beverage Control.

Resolution 2019-126

BOROUGH OF HIGHTSTOWN COUNTY OF MERCER STATE OF NEW JERSEY

# AUTHORIZING THE BOROUGH ENGINEER TO SUBMIT AN APPLICATION FOR

# THE 2020 NEW JERSEY DEPARTMENT OF TRANSPORTATION MUNICIPAL AID GRANT FOR IMPROVEMENTS TO RAILROAD AVENUE, DYE STREET, CENTER STREET, SUMMIT AVENUE AND ACADEMY STREET

**WHEREAS,** the Borough of Hightstown wishes to file an application with the New Jersey Department of Transportation for a Municipal Aid Grant for improvements to Railroad Avenue, Dey Street, Center Street, Summit Street and Academy Street; and

**WHEREAS**, the Borough Council has authorized the Borough Engineer, Carmela Roberts of Roberts Engineering Group, for an amount not to exceed \$4,500, to prepare the application for the FY2020 New Jersey Department of Transportation Municipal Aid Grant application.

**NOW, THEREFORE BE IT RESOLVED,** that the Borough Engineer is hereby authorized to file an application with the New Jersey Department of Transportation for a Municipal Aid Grant for improvements to Railroad Avenue, Dey Street, Center Street, Summit Street and Academy Street at a cost not to exceed \$4,500.00.

# **PUBLIC COMMENT PERIOD II**

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

**Frank Rivera, 110 Broad Street** – Regarding the Tree Ordinance, he would like to revisit this with a partnership between Borough Council and residents regarding the responsibility and liability of the trees. There was an email copied to Council from David Zaiser that has had no response from Council as yet.

<u>Nancy Laudenberger, 632 South Main Street</u> – Updated Council regarding RISE activities. Had handouts and t-shirts for Council.

<u>Tory Watkins, 68 Meadow Road</u> – Supportive of walkability in Hightstown. Sidewalks should be put wherever possible. Individuals should not be allowed to veto sidewalks on their property.

<u>Nicole Oorbee, 16 Hagemount Avenue</u> – Feels that residents were blinded by the decision to remove the installation of sidewalks from the Hagemount project at the last meeting. There was never a proposal that removed sidewalks completely from any of the three streets. She is extremely unhappy with Council's decision.

<u>Neil Schloss, 109 Mercer Street</u> – The State is taking applications for alternative treatment centers for medical cannabis. Approval of the town is needed for the application.

<u>George Thornall, 6 Rocky Brook Court</u> – Sidewalks may be needed on Hagemount but not on Rocky Brook Court.

Kevin Brink, Hightstown Fire Company – Asked if Capital Budget has been determined yet.

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

# **DISCUSSION**

# Lincoln, Hagemount and Rocky Brook Project

Councilmember Stults stated that he feels he made and error in judgement regarding this project. He feels that

Hagemount does need sidewalks and he would like to reconsider the motion that was made at the last meeting. Discussion ensued. Councilmember Musing stated that sidewalks are in our Master Plan and increase property value. We need to consider the recommendations from our Complete Street Committee. Councilmember Bluth stated that she feels that not all streets need sidewalks; however, in reviewing the grant application, all three streets were included to receive sidewalks. Council President Misiura stated that complete streets include streets, sidewalks and trees. Our Master Plan states that walkability is the most important mode of transportation in the Borough, there should be sidewalks on every street. We also need to ensure that the correct trees are being planted between the sidewalk and the street. Councilmember Bluth moved that the Borough move forward with sidewalks on Lincoln, Hagemount and Rocky Brook; Councilmember Misiura seconded. Roll Call Vote: Councilmembers Bluth, Egan, Jackson, Misiura, Musing and Stults voted yes. Motion approved 6-0.

# **Municipal Facilities Presentation Date**

There is a need for a special meeting for the municipal facilities presentation by the architects. Deputy Clerk, Peggy Riggio, has secured the Firehouse for July 1<sup>st</sup>. Discussion ensued. It was decided that the special meeting will be held Monday, July 1, 2019 at 7:00 p.m. at the Firehouse, 140 North Main Street.

# MAYOR/COUNCIL/ADMINISTRATIVE REPORTS

# Councilmember Egan

Board of Health met last week. No new updates. They do not meet in July and August.

#### **Councilmember Musing**

HPC will meet next week.

#### **Councilmember Jackson**

Fun Fridays start this Friday in Association Park.

#### **Councilmember Bluth**

Cultural Arts meets this week. They will be presenting checks to the three (3) organizations receiving proceeds from Empty Bowls. There will be a special presentation regarding the mural that will be painted on the RISE building. Environmental Commission meets next Tuesday.

# **Councilmember Stults**

Housing Authority meeting has been cancelled. Downtown Hightstown is looking for someone to attend the business meetings for the next few months.

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

In response to Mr. Rivera, the email that he is speaking of was not addresses to Council. Council was copied for information purposes. The agreement for the beacon light at Grape Run was received today. Janice Mohr-Kminek is retiring at the end of the month. Her replacement started today. The message boards in town have be set up advertising Fun Friday.

# CFO, George Lange

Thanked Council for their support with the Budget.

# **Borough Attorney**

The State is reopening applications for Alternative Treatment Centers. A letter of support from the municipality must accompany the application.

#### **Mayor Quattrone**

Need to start looking at what trees should be planted along sidewalks. Public Works is looking at water issues on Broad Street.

# **ADJOURNMENT**

Councilmember Musing moved to adjourn to Executive Session at 8:55; Councilmember Egan seconded. All ayes.

Council reconvened into Public Session at 9:09 p.m.

Councilmember Stults moved to adjourn at 9:09 p.m.; Councilmember Jackson seconded. All ayes.

Respectfully Submitted,

Margaret M. Riggio Deputy Borough Clerk