

**Meeting Minutes
Hightstown Borough Council
July 15, 2019
6:30 p.m.**

The meeting was called to order by Mayor Quattrone at 6:30 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 Egan</i>	✓	
<i>Councilmember Jackson</i>	✓	
<i>Councilmember Misiura</i>	✓	
<i>Councilmember Musing</i>	✓	
<i>Councilmember Stults</i>	✓	
<i>Mayor Quattrone</i>	✓	

Also in attendance: Debra Sopronyi Borough Clerk/Administrator; Eric Bernstein, Labor Counsel; and Fred Raffetto, Borough Attorney.

EXECUTIVE SESSION

Resolution 2019-128 Authorizing a Meeting that Excludes the Public

Councilmember Musing asked that “Housing Authority PILOT” be added to the resolution under negotiations.

Councilmember Stults moved resolution 2019-128 as amended; seconded by Councilmember Bluth.

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

Resolution adopted as amended 6-0.

Resolution 2019-128
*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 July 15, 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:

Personnel	Union Grievance (Local 32 Blue Collar) Fire Department
Litigation	Vitale
Contract Negotiations	Robbinsville Court 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: October 15, 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 7:34 and again read the Open Public Meetings Statement.

The Flag Salute was followed by roll call.

George Lang, CFO; and Carmela Roberts, Borough Engineer arrived following executive session and were now present. Eric Bernstein, Esq. had departed the meeting at this time.

APPROVAL OF AGENDA

Moved by Councilmember Musing; Seconded by Councilmember Stults.

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

Agenda approved 6-0.

PRESENTATION – CULTURAL ARTS COMMISSION – MURAL

Ann Marie Miller, Chair of the Cultural Arts Commission (CAC), distributed a printed copy (a copy of which is attached to these minutes and a part thereof) of the draft mural, which is to be painted on the side of the RISE building on Academy Street, to the Governing Body. She then reviewed the special public meeting which was held to get public engagement with the Artist as well as the various interpretations of the drafted design, noting that additional changes are still being made to the design. Ms. Miller was then joined by CAC member Adam Welch, and they noted that the mural will be painted the third week of August; and the Artist is in need of housing during the project; and that this project is being paid by fundraised funds by the CAC, not taxpayers. There was discussion.

Councilmember Stults made a motion to support the CAC mural project on the RISE building and authorize the CAC to proceed with the project, Councilmember Bluth seconded.

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

Motion approved 6-0.

APPROVAL OF MINUTES

June 3, 2019 – Executive Session

Moved by Council President Misiura, Seconded by Councilmember Stults.

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

Minutes approved 3-0; with 3 abstentions.

June 3, 2019 – Public Session

Moved by Councilmember Bluth; Seconded by Councilmember Stults.

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

Minutes approved 4-0; with 2 abstentions.

ENGINEERING ITEMS

Improvements to Springcrest Drive, Taylor Avenue, Spruce Court, and Glen Drive

Carmela Roberts, Borough Engineer, reviewed her letter dated June 21, 2019 in which her fees for the project are estimated at \$95,000.00; and noted that the estimated cost for the project is \$760,000.00. Ms. Roberts reviewed the grant application and what would be done on each street. There was discussion and Council noted that the Engineer will also work with the Complete Streets Committee for the final design.

Resolution 2019-129 Authorizing Change Order #1 and Payment #2 – S. Brothers, Inc. (Improvements to Maple Avenue and Sunset Avenue)

Moved by Councilmember Musing; Seconded by Councilmember Jackson.

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

Resolution Adopted 6-0.

Resolution 2019-129

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

**AUTHORIZING CHANGE ORDER #1 AND PAYMENT #2 – S. BROTHERS, INC.
(IMPROVEMENTS TO MAPLE AVENUE AND SUNSET AVENUE)**

WHEREAS, on August 20, 2018, the Borough Council awarded a contract for the Improvements to

Maple Avenue and Sunset Avenue to S. Brothers, Inc., of South River, New Jersey at the price of \$410,864.25; and

WHEREAS, the contractor has submitted change order #1 for changes in the scope of the project in the amount of \$112,446.35, addition of supplemental items due to unforeseen circumstances in the amount of \$9,680.00 and a reduction of \$39,994.57 to adjust to as-build quantities which increases the total contract by 19.99% to \$492,996.03; and

WHEREAS, the contractor has submitted payment request #2 in the total amount of \$381,201.61; and

WHEREAS, the Borough Engineer has recommended approval of Change order #1; and

WHEREAS, the Borough Engineer has recommended approval of payment #1 in the amount of \$381,201.61; 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 payment #2 to S. Brothers, Inc. of South River, New Jersey in the amount of \$381,201.61, is hereby approved as detailed herein, and the CFO is authorized to issue same.

PUBLIC COMMENT I

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

Eugene Serafin, 628 S. Main Street – Complimented the implementation of the Complete Streets Committee and noted that they were doing a great job.

Neil Glackin, 290 Monmouth Street – Requested clarification of executive session items.

JP Gibbons, 602 N. Main Street – Inquired as to why resolution 2019-131 was being done now? He also noted that the investigation at the firehouse is dividing the community.

Doug Mair, 536 S. Main Street – Distributed a copy of a letter from Milton Matamoros' Attorney and commented regarding the investigation; stated that these investigations damage the character of those investigated.

Scott Caster, 12 Clover Lane – Noted that his comments were not specific in the minutes just approved and requested that his comments be added to the minutes from this meeting.

In response to Mr. Caster's request, be it noted that Mr. Caster's comments at the June 3, 2019 meeting were regarding the fact that he does not want sidewalks on his street because it brings people who have no business being there to the street; and the decision Council makes regarding Rocky Brook Court will set the plan for future improvements made in the Borough.

Antonia Sullivan, Monroe Township – Noted that she is a previous co-worker of Mr. Matamoros and supports him in the firehouse investigation.

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

ORDINANCES

2019-11 Final Reading and Public Hearing – 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

Mayor Quattrone opened the public hearing and the following individuals spoke:

Eugene Serafin, 628 S. Main Street – Asked that this ordinance please be passed.

JP Gibbons, 602 N. Main Street – Noted that someone at the last meeting objected to sidewalks and inquired as to whether their comments were considered before doing this ordinance. Council noted that the comments from the last meeting had nothing to do with this project, it was related to Rocky Brook Court.

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

Ordinance 2910-11 was moved for adoption by Councilmember Jackson; Seconded by Councilmember Stults.

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

Ordinance Adopted 6-0.

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:

1. 369 Stockton Street (Block 47.01, Lot 1)
Owner(s) of record: Hector Torres & Transito Torres
Area of necessary easement: 40.5 s.f.;
2. 401 Stockton Street (Block 49, Lot 1)

Owner(s) of record: Douglas F. & Colleen Bean Noebels
Area of necessary easement: 122 s.f.;

3. 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,” N.J.S.A. 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:

Section 1. That, pursuant to N.J.S.A. 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 N.J.S.A. 20:3-1, *et seq.*, in those circumstances where the easement(s) cannot be acquired through amicable negotiations.

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

Section 3. 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 N.J.S.A. 20:3-1, *et seq.*, in any circumstance where the easement(s) cannot be obtained through amicable negotiations.

Section 4. 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.

Section 6. 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.

Section 8. 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.

2019-12 First Reading and Introduction – An Ordinance Amending and Supplementing Chapter 5, Entitled “Animal Control”, of the Revised General Ordinances of the Borough of Hightstown, New Jersey

Moved for introduction by Councilmember Bluth; Seconded by Councilmember Stults.

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

Ordinance Introduced 6-0. Public hearing scheduled for August 5, 2019.

Ordinance 2019-12

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

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 5, ENTITLED “ANIMAL CONTROL”, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN, NEW JERSEY

WHEREAS, the Hightstown Borough Health Officer desires to amend the schedule of cat licensing in the Borough to coincide with the licensing of dogs; and

WHEREAS, the Mayor and Borough Council find this change would be more efficient for the administration process.

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

Section 1. That Chapter 5, entitled “Animal Control”, is hereby amended to read as follows (underline for additions, strikethroughs for deletions):

Section 5-1 Dogs

Subsection 5-1.2 License Required; Fees.

- a. Licenses and official metal registration tags shall be required for the following dogs of licensing age:
 1. Any dog owned or kept within the Borough by a resident of the Borough as of January 1 of any calendar year.
 2. Any dog acquired by any person during the course of any calendar year and kept within the Borough for more than ten (10) days after acquisition.
 3. Any dog attaining licensing age during the course of the calendar year.
 4. Any unlicensed dog brought into the Borough by any person and kept within the Borough for more than ten (10) days.
 5. Any dog licensed by another State brought into the Borough by any person and kept within the Borough for more than ninety (90) days.

b. Application for License.

1. Each application for a license under this section shall be signed by the owner or keeper of the dog and shall give the following information:

(a) A general description of the dog sought to be licensed, including breed, sex, age, color and markings, and whether such dog is of a long- or short-haired variety.

(b) The name, street and post office address of the owner and of the person who shall keep or harbor such dog.

(c) Evidence of rabies vaccination in accordance with subsection 5-1.4.

2. No license to own, keep or harbor a dog shall be issued to or in the name of a minor.

c. Annual License; Date of Application. Applications for licenses for dogs which are required to be licensed by the provisions of paragraph a. shall be made prior to January 31 of each calendar year to the Borough Clerk or other official designated by the Mayor and Council. In all other cases, the application for a license shall be made within ten (10) days of the day upon which the dog in question first becomes subject to the provisions of this section.

d. License Record. The information on all applications under this subsection and the registration number issued to each licensed dog shall be preserved for a period of three (3) years by the Borough Clerk. In addition, the Clerk shall forward similar information to the State Department of Health each month on forms furnished by the Department.

e. Fees. The person applying for a license shall pay a fee of ten dollars and eighty cents (\$10.80) for each dog license, shall also pay one dollar and twenty cents (\$1.20) for the registration tag (Pilot Clinic fee) for each dog and an additional fee of three (\$3.00) dollars for any dog of reproductive age which has not had its reproductive capacity permanently altered through sterilization. Any dog owner claiming to be exempt from the payment of the additional fee of three (\$3.00) dollars shall provide a copy of a veterinarian's certificate, or a notarized statement by the owner, of the animal's neutering. The fees of one dollars and twenty cents (\$1.20) and additional fee of three (\$3.00) dollars, when collected, shall be forwarded to the State Treasurer as provided by law. The same fee shall be charged for the annual renewal of each license and registration tag. If application shall not be made within the time limit set forth hereinabove, there shall also be a late charge per license, as follows. If application is made:

1. During February: five (\$5.00) dollars.

2. During March: ten (\$10.00) dollars.

3. After March 31: fifteen (\$15.00) dollars.

f. Expiration Date. Each dog license and registration tag shall expire on ~~January-December~~ 31 of the calendar year ~~following the calendar year~~ in which it was issued.

g. Exceptions.

1. Dogs used as guides for blind persons and commonly known as "Seeing Eye" dogs shall be licensed and registered as other dogs, except that the owner or keeper shall not be required to pay any fee.

2. Any dog owned in New Jersey and duly licensed for the current licensing year and bearing the proper registration tag for a New Jersey municipality shall be exempt from the license and the tag provisions of this subsection.

h. Limitation on Number of Dogs. No more than two (2) dogs of licensing age shall be owned by or kept by any one (1) family group. "Family group," as used herein, shall mean all persons occupying one (1) dwelling unit. Any person owning or keeping more than two (2) licensed dogs on the effective date of this section may retain the dogs so long as that person remains the owner or keeper of the dogs.

i. The fee to replace a lost dog registration tag shall be one (\$1.00) dollar. (1991 Code § 57-2; New; Ord. No. 2007-30)

Section 5-2 Cats

Subsection 5-2.3 Licensing Requirements.

a. Cats shall have license number displayed. Any person who shall own, keep or harbor a cat of licensing age shall annually apply for and procure from the Borough Clerk or other official designated by the Mayor and Council thereof to license cats in the municipality in which he/she resides a license and official registration tag with license number or a registration sleeve for each cat so owned, kept or harbored and shall place upon such cat a collar or other device with the license number securely fastened or displayed thereon. Acceptable methods of displaying the license number shall include but are not limited to breakaway or elastic collars. License tags or sleeves are not transferable.

b. Sanitation of Quarters. The quarters where cats are kept shall be kept clean and sanitary under standards generally accepted for the housing, feeding and care of cats by the American Veterinary Medical Association.

c. Time for Applying for License. The owner of any newly acquired cat of licensing age or of any cat which attains licensing age shall make application to the Borough Clerk for a license tag or sleeve for such cat within ten (10) days after such acquisition or age attainment. This requirement will not apply to a nonresident keeping a cat within the Borough for no longer than ninety (90) days.

d. Cats Brought into the Borough.

1. Any person who shall bring or cause to be brought into the Borough any cat licensed in another State for the current year and bearing a registration tag or sleeve and shall keep the same or permit the same to be kept within the Borough for a period of more than ninety (90) days shall immediately apply for a license and registration tag or sleeve for each such cat.

2. Any person who shall bring or cause to be brought into the Borough any unlicensed cat and shall keep the same or permit the same to be kept within the Borough for a period of more than ten (10) days shall immediately apply for a license and registration tag or sleeve for each such cat.

e. Application; Contents; Preservation of Information.

1. The application shall state the breed, sex, age, color and markings of the cat for which license and registration are sought and whether it is of a long- or short-haired variety, also the name, street and post office address of the owner and the person who shall keep or harbor such cat. The information on the application and the registration number issued for the cat shall be preserved for a period of three (3) years by the Borough Clerk or other official designated to license cats in the Borough.

2. Applications for licenses for cats which are required to be licensed by the provisions of this section shall be made prior to ~~July 31~~ **January 31** each year to the Borough Clerk or other official designated by the Mayor and Council. In all other cases, the application for license shall be made within ten (10) days of the day upon which the cat in question first becomes subject to the provisions of this section, as set forth more specifically in paragraphs c. and d.

f. License Forms and Tags. License forms and official tags or sleeves shall be furnished by the Borough and shall be numbered serially and shall bear the year of issuance and the name of the Borough.

g. Evidence of Inoculation with Rabies Vaccine or Certification of Exemption; Requirement for License. No Borough Clerk or other official designated by the Mayor and Council to license cats shall grant any such license and official registration tag or sleeve for any cat unless the owner thereof provides evidence that the cat to be licensed and registered has been inoculated with a rabies vaccine of a type approved by and administered in accordance with the recommendations of the United States Department of Agriculture and the United States Department of Human Services or has been certified exempt as provided by subsection 5-2.2. The rabies inoculation shall be administered by a duly licensed veterinarian or by such other veterinarian permitted by law to do the same.

h. License Fee Schedule. A license shall be issued after payment of a fee of fourteen (\$14.00) dollars for each cat not neutered and ten (\$10.00) dollars for each neutered cat. Those family groups which presently possess more than two (2) cats, in accordance with subsection 5-2.3b., shall not be required to pay total annual fees in excess of thirty (\$30.00) dollars for the licensing of all of the cats, exclusive of any delinquent fees which may apply in accordance with this subsection. Person who fail to obtain a license as required within the time period specified in this subsection will be subject to a delinquent fee per license as follows. If application is made:

- (a) During ~~August~~February: Five (\$5.00) dollars.
- (b) During ~~September~~March: Ten (\$10.00) dollars.
- (c) After ~~September 30~~March 31: Fifteen (\$15.00) dollars.

i. Fees; Renewals; Expiration Date of License.

1. Expiration Date. Each cat license and registration tag shall expire on December 31 of the calendar year in which it was issued.

~~42.~~ Licenses from another municipality shall be accepted. The person applying for the license and registration tag and/or sleeve shall pay the fee fixed or authorized. The fee for the renewal of a license and registration tag or sleeve shall be the same as for the original, and the license, registration tag or sleeve and renewal thereof shall expire on December 31 of the calendar in which it was issued.

~~June 30 in the following year.~~

~~23.~~ Only one (1) license and registration tag or sleeve shall be required in the licensing year for any cat in the Borough. Any valid New Jersey license tag or sleeve issued by a New Jersey municipality shall be accepted by the Borough.

j. Loss of License. If a license tag or sleeve has been misplaced or lost, the Borough Clerk may issue a duplicate license and/or registration sleeve for that particular cat at a fee of one (\$1.00) dollar.

k. Proof of Licensing. Proof of licensing shall be produced by any person owning, keeping, maintaining or harboring a cat, upon the request of any Health Official, Police Officer, Animal Control Officer or other authorized person.

l. Interfering with Persons Performing Duties Under This Section. No person shall hinder, molest or interfere with anyone authorized or empowered to perform any duty under this section.

m. Disposition of Fees Collected. License fees and other moneys collected or received under the provisions of this section shall be forwarded to the Treasurer of the Borough and, to the extent permitted by law, shall be placed in a special account separate from any of the other accounts of the Borough and shall be used for the following purposes only: collecting, keeping and disposing of cats liable to seizure; for local prevention and control of rabies; providing antirabies treatment under the direction of the Board of Health for any person known or suspected to have been exposed to rabies; and for administering the provisions of this section. Any unexpected balance remaining in such special account shall be retained until the end of the third fiscal year following and may be used for any of the purposes set forth in this section. At the end of the third fiscal year following and at the end of each fiscal year

thereafter there shall be transferred from such special account to the general funds of the Borough any amount then in such account which is in excess of the total amount paid into the special account during the last two (2) fiscal years next preceding. (1991 Code § 87-14; New; Ord. No. 2004-15; Ord. No. 2007-30)

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

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

Section 4. In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to that portion of the Ordinance actually adjudged to be invalid, and the remaining portions of this Ordinance shall be deemed severable therefrom and shall not be affected.

RESOLUTIONS

Resolution 2019-130 Payment of Bills

Moved by Councilmember Musing; Seconded by Councilmember Jackson.

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

Resolution adopted 6-0.

Resolution 2019-130

*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 \$162,888.49 from the following accounts:

Current		\$106,643.16
W/S Operating		52,623.57
General Capital		0.00
Water/Sewer Capital		0.00
Grant		0.00
Trust		1,168.87
Housing Trust		0.00
Animal Control		314.40
Law Enforcement Trust		0.00
Housing Rehab Loans		0.00
Unemployment Trust		0.00
Escrow		<u>2,138.49</u>
Total		<u>\$162,888.49</u>

Resolution 2019-127 Waiving Fees for Certain Parking Permits

Councilmember Musing recused himself from this matter.

There was discussion.

Councilmember Bluth moved that resolution 2019-127 be amended to read that two permits will be issued for the Main Street lot, and six (6) permits are to be issued to the Stockton Street lot. The Borough Attorney recommended that the reference to the donation from the Borough should also be removed since the monetary donation no longer exists. Councilmember Bluth added the change from the Attorney to her motion as recommended. Councilmember Misiura seconded.

Roll Call Vote: Councilmembers Bluth, Egan, Jackson, Misiura, and Stults voted yes. Councilmember Musing ws recused from this matter.

Amendment adopted 5-0.

Resolution 2019-127 as amended:

Moved by Councilmember Jackson; Seconded by Councilmember Stults.

Roll Call Vote: Councilmembers Bluth, Egan, Jackson, Misiura, and Stults voted yes. Councilmember Musing ws recused from this matter.

Resolution adopted as amended, 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.

Resolution 2019-131 Appointing and Authorizing an Agreement for Consulting Engineer of Record for the Peddie Lake Dam Walking Bridge Replacement

Moved by Council President Misiura; Seconded by Councilmember Stults

The Borough Administrator explained that this contract is needed because the Engineer of Record for the design of the bridge (regarding the dam) has gone out of business. The Borough needs a Consulting Engineer for the design of the bridge project, and French & Parrello Associates is willing to take on the duty because of their familiarity with the dam; a structural Engineer is needed. The Borough needs to assure that the dam is not compromised during the bridge project.

The Borough Engineer explained that given the complexity of the plans for the project this Engineer is essential to the project.

There was discussion regarding funding and the additional cost associated with this Engineer and George Lang, CFO, noted that funds for this agreement are available in the bond ordinance.

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

Resolution adopted, 6-0.

Resolution 2019-131

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

**APPOINTING AND AUTHORIZING AN AGREEMENT FOR CONSULTING
ENGINEER OF RECORD FOR THE PEDDIE LAKE DAM WALKING BRIDGE
REPLACEMENT**

WHEREAS, there exists the need for professional consulting engineering services for the Peddie Lake Dam Walking Bridge Replacement; and

WHEREAS, the Borough Council wishes to appoint French and Parrello Associates (FPA) of Wall,

New Jersey, to provide said services; and

WHEREAS, the cost for the proposed services shall not exceed \$18,000.00 without further approval by the Borough Council; and,

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

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for “professional services” without public advertising for bids and bidding, provided that the Resolution authorizing the contract and the contract itself are available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality; and

WHEREAS, it has been determined that the value of this contract may exceed \$17,500, and therefore the contract is also subject to the provisions of the State’s Local Unit Pay-to-Play Law, N.J.S.A. 19:44A-20.4, *et seq.*; and

WHEREAS the term of this contract is for the completion of the Peddie Lake Dam Walking Bridge Replacement project; and

WHEREAS, this contract is intended to be awarded as a “non-fair and open contract” pursuant to and in accordance with the Local Unit Pay-to-Play Law;

WHEREAS, the firm of French & Parrello Associates has completed and submitted a Business Entity Disclosure Certification pursuant to the Local Unit Pay-to-Play law (specifically, at N.J.S.A. 19:44A-20.8), and has further submitted a certification that the firm is in compliance with the Borough’s own Pay-to-Play ordinance (Section 2-59 of the *Revised General Ordinances of the Borough of Hightstown*);

NOW, THEREFORE, BE IT 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 French & Parrello Associates regarding the above-referenced professional consulting engineering services contract, 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 French & Parrello is a firm whose engineers are 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 2019-132 Authorizing Payment to Van Cleef Engineering Associates (Construction Administration and Inspection for the Rehabilitation of East Ward Street)

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 2019-132

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

**AUTHORIZING PAYMENT TO VAN CLEEF ENGINEERING ASSOCIATES
(CONSTRUCTION ADMINISTRATION AND INSPECTION FOR THE
REHABILITATION OF EAST WARD STREET)**

WHEREAS, on March 21, 2016, the Borough Council awarded a contract for the Engineering Design and Inspection Services for the Rehabilitation of East Ward Street to Van Cleef Engineering of Hamilton, New Jersey at a 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 contractor has submitted a request payment in the amount of \$570.00 for the inspection of water valve repair from May 1, 2019 – May 31, 2019; and

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown a payment in the amount of \$570.00 to Van Cleef Engineering of Hamilton, New Jersey is hereby approved as detailed herein.

CONSENT AGENDA

Councilmember Musing moved Resolutions 2019-133, 2019-134 and 2019-135 as a Consent Agenda; Councilmember Bluth seconded.

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

Resolutions 2019-113, 2019-134 and 2019-135 adopted 6-0.

Resolution 2019-133

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

AUTHORIZING REFUND OF TAX OVERPAYMENT

WHEREAS, an overpayment of 2019 taxes were made for Block 3, Lot 15, 512 North Main Street, in the amount of \$6,000.00 by the homeowner; and

WHEREAS, the homeowners, Jeffery Richter and S.R. Henneborn, 512 North Main Street, Hightstown, NJ has requested that a refund be issued for the overpayment in the amount of \$6,000.00; and

WHEREAS, the Tax Collector has requested that said overpayment be refunded in the amount of \$6,000.00.

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

that the Tax Collector and Treasurer are hereby authorized to issue a refund in the amount of \$6,000.00 to Jeffery Richter and S.R. Henneborn, 512 North Main Street, Hightstown, NJ, representing the tax overpayment as set forth herein.

Resolution 2019-134

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

**A RESOLUTION AUTHORIZING A TEMPORARY EXTENSION OF
EXISTING 2018-2019 CAT LICENSES**

WHEREAS, the Borough of Hightstown has established rules requiring the annual licensure of cats for the purpose of rabies control; and

WHEREAS, the Borough has previously issued a number of cat licenses for the licensing year 2018-2019, pursuant to Section 5-2 of the Revised General Ordinances of the Borough of Hightstown (also referenced as the “Borough Code”); and

WHEREAS, the Borough Health Officer has requested that the licensing period for cat licenses be changed from a July – June period to a January – December period; and

WHEREAS, the Borough Council has introduced Ordinance 2019-12 making said change; and

WHEREAS, the Borough wishes to authorize a temporary extension of existing 2018-2019 cat licenses to expire December 31, 2019; and

WHEREAS, it is not required that the current holders of existing 2018-2019 cat licenses submit the required fee, application and associate paperwork as stated in the Borough Code to have their licenses extended to December 31, 2019; and

WHEREAS, all applications, associated paperwork and required fees shall be submitted to the Borough by January 31, 2020 for a 2020 cat licenses as outlined in Ordinance 2019-12.

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

1. That the Borough hereby authorizes a temporary extension of the expiration date for valid 2018-2019 cat licenses until December 31, 2019; at which time the required fee, application and associated paperwork shall be required to be submitted in accordance with Ordinance 2019-12.
2. That a certified copy of this Resolution shall be provided to:
 - a. Health Officer, Jill Swanson
 - b. Police Chief, Frank Gendron

Resolution 2019-135

BOROUGH OF HIGHTSTOWN

*COUNTY OF MERCER
STATE OF NEW JERSEY*

**AUTHORIZING A REFUND FOR A THEATER IN THE PARK
REGISTRATION FEE**

WHEREAS, Nevada Carabelli-Doherty of 61 Woodside Avenue, East Windsor, New Jersey paid a Registration Fee in the amount of \$275.00 for her son Andrew to participate in the Theater in the Park Program sponsored by the Cultural Arts Commission; and

WHEREAS, Nevada Carabelli-Doherty withdrew the registration prior to the beginning of the program; and

WHEREAS, the Theater in the Park Program is requesting that the registration fee of \$275.00 be refunded to Nevada Carabelli-Doherty.

BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Finance Officer is hereby authorized and directed to issue a refund in the amount of \$275.00 to Nevada Carabelli-Doherty of 61 Woodside Avenue, for a registration fee for the Theater in the Park Program as stated herein.

Borough Engineer, Carmela Roberts, departed the meeting at this time.

PUBLIC COMMENT PERIOD II

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

Doug Mair – Commented that the Borough should pay for the ladder truck before buying another fire truck; the bridge is costing more and more with all the Engineers we are paying.

Scott Caster, 12 Clover Lane – Commented that while nobody knows what happens in executive session, the Council should not just go with a Labor Counsel mantra, but be creative.

John Archer, 131 Bennett Place – Inquired as to why resolution 2019-131 was being done now? He also noted that the investigation at the firehouse is dividing the community.

Eugene Serafin, 628 S. Main Street – Complimented the mural; commented there was good conversation about the dam and bridge; requested that an ordinance be adopted which requires Borough inspections at apartment complexes.

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

DISCUSSION

Stockton Street – County paving project

Mayor Quattrone noted that Borough Administrator/Clerk, Debra Sopronyi has reached out to the County regarding the need to pave Stockton Street. Ms. Sopronyi explained that the County will be paving Stockton Street after the water main and Stockton & Joseph Street projects are complete. This reduces the cost to the Borough for the water main project as now the Borough will only have to do a temporary trench pave. She also noted that the County has agreed to put in a crosswalk sign at Joseph & Stockton, as well as assist with the paving of Dutch Neck Road in the Borough. Ms. Sopronyi noted that she believes East Windsor has also

requested assistance with the paving of Dutch Neck Road beginning at the Borough border.

Fire Department – New Fire Truck

Mayor Quattrone advised that the Chief came to him, as their Liaison, and requested the purchase of a fire engine. There was discussion regarding the fact that the Borough is presently still paying for two trucks, the cost of another truck, mutual aid, and capital needs and the bonding capacity of the Borough. It was noted that the ladder, engine and squirt are all pumpers, so alternate use can be accomplished.

Mayor Quattrone advised that he also reached out regarding the ISO rating in the Borough, which is presently a five (5), the highest you can get with a Volunteer Department; and noted that the addition of another truck will not affect the rating either way. This rating determines the insurance rates for homeowners in the community.

After further discussion, Council recommended that the Fire Department keep the current engine running and continue to use it; a new truck will not be purchased at this time. Mayor Quattrone will relay the decision regarding the request to the Fire Department.

SUBCOMMITTEE REPORTS

Council President Misiura

The Planner for which we received the grant for the Complete Streets Program is working on the scope of work to submit to the County.

Councilmember Stults

There was a phone conference with the Architect for Borough Hall to review the comments of the public at the special meeting. The subcommittee is working with them and trying to address cost, driveway and tree issues.

MAYOR/COUNCIL/ADMINISTRATIVE REPORTS

Councilmember Jackson

This Friday is a Fun Friday in Association Park.

Councilmember Bluth

The Cultural Arts Commission meeting is scheduled for this week.

Councilmember Stults

Reviewed the monthly Police Department report; the PD is partnering with Ralph's to pass out vouchers to children who follow safety rules when bicycling, skate boarding, etc.; the Housing Authority meets on Wednesday; Downtown Hightstown has a new person running their meetings; a business in town purchased Hightstown magnets that are available at the various businesses at \$5.00 each with the income to benefit Downtown Hightstown; the next walking tour is July 27th at 6pm; a coffee café is opening across the street from the Post Office, we wish them success.

Mayor Quattrone

We need to move forward with the capital budget or we will be buying police vehicles at 2020 prices; Downtown Newark reached out to the Borough and met with Ken Lewis and Gary Grubb regarding the flower project

downtown. Following the meeting, they sent a \$500.00 donation to the flowers downtown in appreciation of the information given them regarding the downtown flower program.

ADJOURNMENT

Council President Misiura moved to adjourn back into executive session at 9:15pm, Councilmember Jackson seconded. All ayes.

Council returned to public session at 9:47pm

Councilmember Musing moved to adjourn at 9:47 p.m.; Councilmember Stults seconded. All ayes.

Respectfully Submitted,

Debra L. Sopronyi, RMC/CMC
Borough Administrator/Clerk

