

**Meeting Minutes
Hightstown Borough Council
September 16, 2019
7:00 p.m.**

The meeting was called to order by Mayor Quattrone at 7:00 p.m. and he read the Open Public Meetings Act statement which stated, "Adequate notice of this meeting has been given in accordance with the Open Public Meetings Act, pursuant to Public Law 1975, Chapter 231. Said notice was sent to the *Trenton Times* and the *Windsor-Hights Herald*, and is posted in the Borough Clerk's office."

The flag salute followed Roll Call.

| | PRESENT | ABSENT |
|------------------------------|---------|--------|
| <i>Councilmember Bluth</i> | ü | |
| <i>Councilmember Egan</i> | | ü |
| <i>Councilmember Jackson</i> | ü | |
| <i>Councilmember Misiura</i> | ü | |
| <i>Councilmember Musing</i> | ü | |
| <i>Councilmember Stults</i> | ü | |
| <i>Mayor Quattrone</i> | ü | |

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

EXECUTIVE SESSION

Resolution 2019-167 Authorizing a Meeting that Excludes the Public

Moved by Councilmember Stults; Seconded by Councilmember Bluth.

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

Resolution adopted 5-0.

Resolution 2019-167
*BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY*

AUTHORIZING A MEETING WHICH EXCLUDES THE PUBLIC

BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that this body will hold a meeting on September 16, 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 – Robbinsville (Court)

Litigation - Marchione

Stated as precisely as presently possible the following is the time when and the circumstances under which the discussion conducted at said meeting can be disclosed to the public: December 16, 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 p.m. and again read the Open Public Meetings Statement.

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

The Flag Salute followed roll call.

APPROVAL OF AGENDA

Councilmember Bluth requested that Resolution 2019-174 be added to the consent agenda.

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

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

Agenda approved as amended 5-0.

APPROVAL OF MINUTES

August 13, 2019 – Executive Session

Moved by Councilmember Bluth; Seconded by Councilmember Stults.

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

Minutes approved 4-0 with 1 abstention.

August 13, 2019 – Public Session

Moved by Councilmember Bluth; Seconded by Councilmember Stults.

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

Minutes approved 4-0 with 1 abstention.

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

Minutes approved 4-0 with 1 abstention.

September 3, 2019 – Executive Session

Moved by Council President Misiura; Seconded by Councilmember Musing.

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

Minutes approved 3-0 with 2 abstentions.

September 3, 2019 – Public Session

Moved by Council President Misiura; Seconded by Councilmember Bluth.

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

Minutes approved 4-0 with 1 abstention.

PRESENTATIONS

Cultural Arts Commission – Mural in Dawes Park

Councilmember Musing recused himself at this time.

Ann Marie Miller, Chair, Cultural Arts Commission spoke about a mural on the shed in Dawes Park. She explained to Council that Cultural Arts and Parks and Recreation gave approval to the Rise Summer Art Camp to paint a selfie station. There was miscommunication and websites and hashtags were added to the painting. Ms. Miller informed Council that she has purchased paint that matches the background and will paint over all text on the shed, leaving only a picture. She apologized to Council for the oversight and assured them that in the future, she will seek permission first.

Council President Misiura moved to accept the changes to the Dawes Park Shed Mural; Councilmember Stults seconded.

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

Changes to Dawes Park Shed Mural accepted 4-0.

Councilmember Musing returned at this time.

Complete Streets – Mercer County bike facility recommendations for Hightstown

Beverly Asselstine, Secretary, Complete Streets Committee, reviewed her memo to Council dated August 29, 2019 regarding bike facility recommendations for Hightstown. She explained that a demand exists for bike lanes in Hightstown. After reviewing her memo, she explained that a decision regarding North Main Street would need to be made right away as the County will be painting the striping in the very near future. Discussion ensued. Council was concerned about the safety issues and requested Police Chief Gendron's input. Borough Administrator/Clerk, Debra Sopronyi, stated that Chief Gendron was concerned that making North Main Street no parking would clutter the side streets with parked cars. Mayor Quattrone is concerned with bikes on sidewalks downtown. We need to look at proper signage. The Complete Streets Committee is looking for a resolution of support for bikes lanes on North Main Street.

Councilmember Musing moved to approve bike lanes on North Main Street; Councilmember Jackson seconded.

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

Approval to add bike lanes to North Main Street 5-0.

A resolution memorializing this approval will be on the October 7, 2019 agenda.

Environmental Commission – Association Park Tree Project

Keith LePrevost, Chair, Environmental Commission, explained to Council that the Environmental Commission would like to attach tree tags to trees in association park. These tags will identify the tree. Eventually they would like identification tags on all trees in town. The Environmental Commission is looking for permission to move forward with this project.

Councilmember Stults moved to grant the Environmental Commission permission to move forward with the tree identification project; Councilmember Bluth seconded.

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

Approval of the Tree Identification Program 5-0.

Engineering Items

Water Sewer Connection Fees

Councilmembers Misiura and Stults recused themselves at this time. Carmela Roberts, Borough Engineer, explained how connection fees are charged. She also stated that the connection fees are high because of improvements that were done in 2015. The last time the fees were updated was 2011. Fees can be charged for direct and indirect connections. Councilmember Musing stated that he believes our ordinance is erroneous and needs to be amended to facilitate redevelopment. Discussion ensued. Borough Attorney, Fred Raffetto, stated that a flat fee can be charged; the fee is at the discretion of the municipality. Council stated that they would like to spend more time with this and review the State Statute. Mr. Raffetto will get the State Statute so Council can review further. Councilmembers Misiura and Stults returned at this time.

Resolution 2019-168 – Authorizing Release of Performance Guarantee – MCD Fine Homes (565 North Main Street)

Carmela Roberts, Borough Engineer, explained that the project at 565 North Main Street has been completed. The developer is requesting his performance guarantee be returned and that the Borough waive the 2-year maintenance guarantee. Discussion ensued. Council did not want to waive the maintenance guarantee. The resolution will be amended to state posting of a 2-year maintenance guarantee of 15% of the project cost be posted before the performance guarantee be released.

Moved by Councilmember Bluth; Seconded by Councilmember Stults.

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

Resolution adopted as amended 5-0.

Resolution 2019-168
BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY

**AUTHORIZING RELEASE OF PERFORMANCE GUARANTEE – MCD FINE HOMES
(565 NORTH MAIN STREET)**

WHEREAS, on June 7, 2018, McD Fine Homes posted a performance guarantee with the Borough of Hightstown in the amount of \$11,117.64 in the form of cash, along with escrow monies relative to work 565 North Main Street Block 2/Lot 19.01; and

WHEREAS, McD Fine Homes has requested the release of said performance bond and escrow; and

WHEREAS, the Borough Engineer has inspected the project and has approved said project; and

WHEREAS, the Planning Board Secretary has professional bills due in excess of monies held in the escrow account; and

WHEREAS, the applicant has requested that funds from the performance guarantee be used to supplement the deficiency in the escrow account; and

WHEREAS, the total amount due to pay the escrow balance in full is \$3,113.59; and

WHEREAS, the release of the performance guarantee and escrow funds are subject to two-year Maintenance Guarantee in the amount of \$ 1,667.65 be placed on file in the office of the Municipal Clerk and payment of all outstanding fees and accounts.

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

1. The Clerk is authorized and directed to release to McD Fine Homes the performance guarantee held relative to the Planning Board application as detailed herein.
2. The Finance Officer is authorized and directed to release to McD Fine Homes the cash performance guarantee less \$3,113.59 due to the escrow account upon receipt of Maintenance Guarantee as detailed herein.
3. A certified copy of this Resolution shall be provided to the following:

- a. McD Fine Homes
- b. Hightstown Borough Finance
- c. Sandy S. Belan, Planning Board Secretary
- d. Carmela Roberts, Borough Engineer

PUBLIC COMMENT I

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

Eugene Sarafin, 628 South Main Street – Water Sewer Connection Fees paid for the building of the sewer plant. We are not here to make developers rich.

Tori Watkins, 68 Meadow Drive – He has been at several parks in Hightstown recently and immediately after leaving is being asked to rate his experience. Is the Borough aware that people’s movements are being tracked and what is this data used for?

Scott Caster, 12 Clover Lane – Feels that the connection fees are the cost of doing business.

Frank Rivera, 110 Broad Street – Distributed an article about New York City taking responsibility for sidewalk damage caused by City Trees. He refuses to pay \$1,300 to have 1 slab of sidewalk reset. Shade Tree Official, David Zaiser, refuses to allow him to remove the tree. If a pedestrian is injured because of the sidewalk, it is the liability of the Borough, not the homeowner.

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

ORDINANCES

Ordinance 2019-13 First Reading and Introduction – An Ordinance Amending and Supplementing Chapter 28, Entitled “Zoning”, Section 28-3, Entitled “Districts Established; Zoning Map”, Subsection 28-3-13 Entitled “CC-1 Central Commercial District” and Subsection 28-3-14 Entitled “CC-2 Central Commercial District” of the Revised General Ordinances of the Borough of Hightstown, New Jersey

Councilmember Musing asked to add Art Galleries and Artist Studios under Principal Uses and for Accessory Uses (a) add in accordance with Chapter 29-18

Moved for introduction as amended by Councilmember Musing; Seconded by Councilmember Stults.

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

Ordinance introduced as amended 5-0.

Public Hearing: October 7, 2019.

Ordinance 2019-13

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

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 28, ENTITLED
“ZONING”, SECTION 28-3, ENTITLED “DISTRICTS ESTABLISHED; ZONING
MAP”, SUBSECTION 28-3-13 ENTITLED “CC-1 CENTRAL COMMERCIAL
DISTRICT” AND SUBSECTION 28-3-14 ENTITLED “CC-2 CENTRAL
COMMERCIAL DISTRICT” OF THE REVISED GENERAL ORDINANCES OF THE
BOROUGH OF HIGHTSTOWN, NEW JERSEY**

WHEREAS, the Council of the Borough of Hightstown wish to amend chapter 28 of the the Revised General Ordinances to eliminate the CC-1 Central Commercial District and the CC-2 Central Commercial District and to Establish a new district known as the DTC Downtown Core; and

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 28, entitled “Zoning”, Section 28-3, entitled “Districts Established; Zoning Map”, Subsection 28-3-13, entitled “CC-1 Central Commercial District” and Subsection 28-3-14 entitled “CC-2 Central Commercial District”, is hereby amended to read as follows (underline for additions, strikethroughs for deletions):

Subsection 28-3-13 ~~CC-1 Central Commercial District.~~ **DTC Downtown Core**

The purpose and intent is to eliminate the CC-1 Central Commercial District and the CC-2 Central Commercial District and to establish a new district known as the DTC Downtown Core.

a. Permitted Uses. In the ~~CC-1 Central Commercial District~~ **DTC Downtown Core**, the following uses, and no others, shall be permitted:

1. Principal Uses:

- (a) ~~Retailing~~ **Retail sales and services** within a completely enclosed building.
- (b) Personal and business services within a completely enclosed building.
- (c) Offices.
- ~~(d) Houses of worship.~~
- (e) Public facilities, including public parking facilities.
- (f) Child care centers.
- (g) Bars and taverns.

(h) Restaurants and other places to eat and drink, but not including ~~establishments with drive-throughs. drive-through or fast food type establishments.~~

(i) Banks and financial institutions.

(j) Newspaper and other publishing facilities.

~~(k) Funeral parlors.~~

(l) ~~Residential dwelling units~~ **Apartment dwellings** as upper floor use of buildings containing above permitted principal uses.

(m) Planned commercial developments subject to regulations in subsection 28-10.14

(n) Art galleries and artist studios

2. Accessory Uses:

(a) Signs **in accordance of chapter 29-18.**

(b) Parking facilities.

(c) Fences, walls and landscaping.

(d) Amusement machines, subject to the licensing and regulation provisions of Chapter IV, General Licensing, Section 4-7, Amusement Machines of the Code of the Borough of Hightstown.

(e) Satellite dishes, subject to the restrictions and requirements set forth in subsection 28-10.18.

b. Other Restrictions.

1. Lot Area. A lot area of not less than two thousand (2,000) square feet shall be required.

2. Lot Width. A lot width of not less than twenty (20') feet shall be required.

3. Lot Depth. A lot depth of not less than fifty (50') feet shall be required.

4. Front Yard. None shall be required, except that building locations shall comply with Borough requirements for providing adequate sight triangles.

5. Side Yards. None shall be required, except that building locations shall comply with Borough requirements for providing adequate sight triangles.
6. Rear Yard; Principal Buildings. There shall be a rear yard not less than ten (10') feet deep.
7. Rear Yard; Accessory Buildings. There shall be a rear yard not less than three (3') feet deep behind accessory buildings.
8. Height. The maximum height shall be three (3) stories or fifty-five (55') feet.
9. Coverage. No building shall cover more than ninety (90%) percent of the lot.
10. Parking. Parking shall be provided in accordance with subsection 28-10.10. Parking is not required for individual uses situated within ~~seventy-five (75')~~ **three hundred (300')** feet of a public facility or designated private parking facility subject, however, to demonstration that the facility has adequate parking to accommodate the individual use.
11. Signs. Signs for individual business establishments shall be permitted, ~~provided that:~~ **in accordance with subsection 29-18.**

~~(a) The total area of all signs shall not exceed two (2) square feet for each foot of building frontage but shall not exceed a maximum of forty (40) square feet.~~

~~(b) No sign shall exceed two (2') feet in height.~~

~~(c) Such sign shall be applied flat against a wall and shall not project beyond the side or top of the wall to which it is affixed nor project out more than eight (8") inches in front of such wall.~~

~~(d) All bare incandescent light sources (neon lights shall not be considered as such) and immediately adjacent reflecting surfaces shall be shielded from view. Flashing, moving, intermittently illuminating signs, reflection signs or signs painted in luminous materials that glow in the dark and advertising devices shall be prohibited.~~

~~(e) Not more than one (1) sign shall be permitted for each tenant on the premises on each wall fronting on a street.~~

12. Sight Triangles. The regulations for sight triangles shall be **in accordance with subsection 28-10-8.** ~~the same as for the R-1 District. (1991 Code §§ 223-20, 223-21; Ord. No. 93-852; Ord. No. 860; Ord. No. 2013-13)~~

13. Residential District Buffer. For lots which adjoin a residential district, a buffer area of at least ten (10') feet shall be provided, and the buffer area shall be landscaped to provide for continuous, year-round visual screening of the property. The buffer area may

contain a fence provided said fence is in accordance with subsection 28-10-4. The fence shall be provided only to supplement necessary landscaping.

~~Subsection 28-3-14 CC-2 Central Commercial District.~~

~~a. Permitted Uses. In the CC-2 Central Commercial District, the following uses, and no others, shall be permitted:~~

~~1. Principal uses.~~

~~(a) Any principal use permitted in the CC-1 District.~~

~~(b) Retailing and distribution facilities related to carpentry, electrical, masonry, and plumbing services with only incidental outdoor operations.~~

~~(c) Planned commercial developments subject to regulations in subsection 28-10.14.~~

~~(d) Motor vehicle service stations subject to restrictions of subsection 28-10.11.~~

~~2. Accessory Uses. All accessory uses permitted in the CC-1 District.~~

~~b. Other Restrictions.~~

~~1. Lot Area. A lot area of not less than ten thousand (10,000) square feet shall be required.~~

~~2. Lot Width. A lot width of not less than fifty (50') feet shall be required.~~

~~3. Lot Depth. A lot depth of not less than one hundred (100') feet shall be required.~~

~~4. Front Yard. None shall be required except for sight triangles.~~

~~5. Side Yards. A minimum side yard of ten (10') feet shall be provided for each side yard.~~

~~6. Rear Yard. The minimum rear yard shall be twenty-five (25') feet.~~

~~7. Sight Triangles. Sight triangles shall be provided for corner lots in accordance with subsection 28-10.8.~~

~~8. Lot Coverage. Total lot coverage of all buildings shall not exceed thirty-five (35%) percent of the gross lot area. Total lot coverage by all structures and other lot improvements shall not exceed eighty (80%) percent.~~

~~9. Height. The maximum height shall be three (3) stories, not to exceed forty (40') feet.~~

~~10. Residential District Buffer. For lots which adjoin a residential district, a buffer area of at least ten (10') feet shall be provided, and the buffer area shall be landscaped to provide for continuous, year-round visual screening of the property. The buffer area may contain a fence provided in accordance with subsection 28-10.4 but the fence shall be provided only to supplement necessary landscaping.~~

~~11. Off-Street Parking. Parking for individual uses shall be provided in accordance with subsection 28-10.10~~

~~12. Signs. As permitted for the CC-1 District. (Ord. No. 93-852)~~

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.

Ordinance 2019-14 First Reading and Introduction – An Ordinance Amending and Supplementing Chapter 28, Entitled “Zoning”, Section 28-3, Entitled “Districts Established; Zoning Map”, Subsection 28-3-16 Entitled “R-PO Residential Professional Office District” of the Revised General Ordinances of the Borough of Hightstown, New Jersey

Councilmember Musing asked that duplex be added to permitted uses; Art galleries and studios be added to accessory uses; and in accordance with Chapter 29-17 by added to (d) signs under Accessory Uses.

Moved for introduction as amended by Councilmember Musing; Seconded by Councilmember Misiura.

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

Ordinance introduced as amended 5-0.

Public Hearing: October 7, 2019.

Ordinance 2019-14

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

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 28, ENTITLED
“ZONING”, SECTION 28-3, ENTITLED “DISTRICTS ESTABLISHED; ZONING
MAP”, SUBSECTION 28-3-16 ENTITLED “R-PO RESIDENTIAL PROFESSIONAL
OFFICE DISTRICT” OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH
OF HIGHTSTOWN, NEW JERSEY**

WHEREAS, the Council of the Borough of Hightstown wish to amend chapter 28 of the the Revised General Ordinances to eliminate the R-PO Residential Professional Office District and to establish a new district known as the DTG Downtown Gateway; and

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 28, entitled “Zoning”, Section 28-3, entitled “R-PO Residential Professional Office District”, is hereby amended to read as follows (underline for additions, strikethroughs for deletions):

~~Subsection 28-3-16 R-PO Residential Professional Office District.~~ DTG Downtown Gateway

The purpose and intent is to eliminate the R-PO Residential Professional Office District and to establish a new district known as the DTG Downtown Gateway.

a. Permitted Uses. In the ~~R-PO District~~ **DTG Downtown Gateway**, the following uses, and no others, shall be permitted:

1. Principal Uses. ~~Permitted principal uses include all principal uses permitted in the R-1 Residential District, and professional offices~~ **Provided, however, that the following uses are expressly excluded from the RPO District as permitted uses:**

~~(a) Places of Worship;~~

~~(b) Public facilities;~~

~~(c) Public utility uses;~~

~~(d) Hospitals, sanitariums and nursing homes;~~

~~(e) Cemeteries;~~

~~(f) Agricultural and horticultural uses; and~~

~~(g) Private and public schools.~~

(a) Detached single-family dwellings or duplex.

(b) Restaurants and other places to eat and drink, but not including establishments with drive-throughs.

(c) Retail sales and services within a completely enclosed building.

- (d) Personal and business services within a completely enclosed building.
- (e) Performing arts companies.
- (f) Offices.
- (g) Child care centers.
- (h) Tutoring centers.
- (i) Financial institutions.
- (j) Apartment dwellings as upper floor use or rear part of buildings containing adjacent and / or above principal uses.
- (k) Art galleries and artist studios

2. Accessory Uses & Structures. ~~For residential use, the accessory uses shall be as permitted in the R-1 District. For professional office use, accessory uses shall be as permitted in the CC-1 District.~~

- (a) Carports, accessory garages and/or open parking spaces with necessary driveways for vehicles belonging to residents on the premises and their guests.
- (b) Noncommercial solariums and home swimming pools, provided that suitable protective fencing for swimming pools are in accordance with Subsection 28-10-5.
- (d) Signs in accordance with Chapter 29-17.
- (e) Fences, walls and landscaping in accordance with Subsection 28-10-4 as they pertain to Residential Districts.
- (f) Subject to lot coverage requirements, no more than two (2) storage sheds are permitted on a lot in accordance with Subsection 28-10-4.
- (g) Satellite dishes, subject to the restrictions and requirements set forth in Subsection 28-10-18.

~~3. In the case of an application for a professional office use where the existing lot size does not conform to the minimum 14,000 square feet required under §28-3-16.2(a), the applicant shall require a Conditional Use Approval pursuant to N.J.S.A. 40:55D-67. In reviewing a Conditional Use application under this subsection, the Planning Board shall consider the following:~~

- ~~(a) Whether sufficient on-site parking is available pursuant to Borough requirements.~~
- ~~(b) Whether the proposed on-site lighting is appropriate for the use and does not adversely impact adjacent properties and uses.~~
- ~~(c) Whether suitable landscaping and buffering are proposed.~~

- ~~(d) Whether adequate storm water controls are proposed for the site.~~
- ~~(e) Whether sewer and water facilities are available to serve the site.~~
- ~~(f) All other provisions of Subsection 28-3-16.2.(b)-(n) shall apply as a minimum.~~

b. Other Restrictions.

1. No existing houses / buildings shall be structurally altered in a manner that is visible to the public domain without an architectural review. Any façade renovations or new construction that is visible to the public should be consistent with the character of the surrounding neighborhood.

~~1.~~ 2. Area, yard, and other standards for residential use shall conform to R-4 Residential District requirements.

~~2.~~ For professional office use, the following standards and regulations shall apply:

(a) Lot area. A lot area of not less than fourteen thousand (14,000) square feet shall be required.

-

~~(b) Lot width. A lot width of not less than one hundred (100') feet shall be required.~~

-

~~(c) Lot depth. A lot depth of not less than one hundred fifty (150') feet shall be required.~~

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~~(d) Front yard. The front yard shall meet the R-4 Residential District requirements.~~

~~(e)~~ 3. Height. The maximum height shall be two and one-half (2.5) stories, and not to exceed thirty-five (35') feet.

~~(f)~~ 4. Lot coverage. The total lot coverage of all buildings shall not exceed thirty (30%) percent. The total lot coverage of all structures and site improvements shall not exceed seventy (70) percent.

~~(g)~~ 5. Side yards. A minimum side yard of ten (10') feet shall be provided for each side yard. For corner lots, the side yard setback shall be increased to twenty (20') feet.

(b)

~~(h)~~ 6. Rear yard. The minimum rear yard shall be thirty-five (35') feet.

~~(i)~~ 7. Landscaping and buffers. All portions of the lot not used for building, parking or other site improvements shall be suitably landscaped with lawn, shrubs, trees, etc. Lot lines which abut lots with residential use or residential zone lines shall provide a landscape buffer strip at least ~~ten (10')~~ five (5) feet in width and the buffer strip shall be suitably landscaped to provide a continuous year-round visual screening of the property. The buffer area may contain a fence provided said fence is in accordance with subsection 28-10-4., but the fence shall be provided only to supplement necessary landscaping.

~~(j)~~ 8. Lot access. Vehicular access serving professional office uses established or expanded under this section on the south side of Franklin Street shall be prohibited to and/or from Clinton Street or Cole Avenue. Existing vehicular access to Clinton Street and Cole Avenue serving existing residential or professional office uses may be continued.

~~(k) Residential use. To maintain a stock of affordable housing in the Borough, professional office use development which occurs through conversion of an existing residential structure shall maintain a minimum of one (1) residential unit in the structure and the minimum size of the unit shall be eight hundred (800) square feet.~~

~~(j) 9. Parking. See subsection 28-10-10, Off-Street Parking and Off-Street Loading Facilities. Parking is not required for individual uses situated within three hundred (300') feet of a public facility or designated private parking facility subject, however, to demonstration that the facility has adequate parking to accommodate the individual use.~~

~~(m) 10. Signs. As permitted by Chapter 29 Subsection 29-17 of the Revised Borough Ordinances and in accordance with a signage plan submitted as part of a site plan application.~~

~~(n) 11. Sight triangles. Sight triangles shall be provided in accordance with subsection 28-10-8.~~

~~(o) Site Plan review shall be required for all applications for all new professional office uses in the RPO District. (1991 Code §§ 233-22, 233-23; Ord. No. 93-852; Ord. No. 2003-25)~~

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 2019-169 Payment of Bills

Moved by Councilmember Stults; Seconded by Councilmember Musing.

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

Resolution adopted 5-0.

Resolution 2019-169
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 \$1,833,138.54 from the following accounts:

| | | |
|-----------------------|--|-----------------------|
| Current | | \$1,737,884.33 |
| W/S Operating | | 21,980.52 |
| General Capital | | 27,851.40 |
| Water/Sewer Capital | | 43,406.40 |
| Grant | | 0.00 |
| Trust | | 1,927.89 |
| Housing Trust | | 0.00 |
| Animal Control | | 0.00 |
| Law Enforcement Trust | | 0.00 |
| Housing Rehab Loans | | 0.00 |
| Unemployment Trust | | 0.00 |
| Escrow | | <u>88.00</u> |
| | | |
| Total | | <u>\$1,833,138.54</u> |

Resolution 2019-170 Authorizing Payment No. 5 - The Musial Group, P.A. (Architectural and Contract Administration Services for Municipal Facilities Located at 230 Mercer Street)

Moved by Councilmember Stults; Seconded by Councilmember Jackson.

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

Resolution adopted 5-0.

Resolution 2019-170
*BOROUGH OF HIGHTSTOWN
 COUNTY OF MERCER
 STATE OF NEW JERSEY*

**AUTHORIZING PAYMENT NO. 5 - THE MUSIAL GROUP, P.A.
 (ARCHITECTURAL AND CONTRACT ADMINISTRATION SERVICES FOR
 MUNICIPAL FACILITIES LOCATED AT 230 MERCER STREET)**

WHEREAS, Resolution 2019-44, appointed the Musial Group as Architect and Contract Administrator for the municipal facilities project located at 230 Mercer Street; and

WHEREAS, Resolution 2019-44 also authorized concept design at a cost not to exceed \$40,000; and

WHEREAS, Resolution 2019-115, adopted on June 3, 2019, authorized the remainder of the project at a total cost not to exceed \$459,895.00; and

WHEREAS, the architect has submitted a payment request for professional services for July 28, 2019 – August 24, 2019, in the total amount of \$45,314.78; 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 Payment Request to The Musial Group, P.A. of Mountainside, New Jersey in the amount of \$45,314.78, is hereby approved as detailed herein, and the CFO is authorized to issue same.

Resolution 2019-171 Authorizing Payment No. 2 Final and Change Order No. 1 – Earle Asphalt Company (East Ward Street Reconstruction)

Moved by Councilmember Musing; Seconded by Councilmember Bluth

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

Resolution adopted 5-0.

Resolution 2019-171
*BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY*

AUTHORIZING PAYMENT NO. 2 FINAL AND CHANGE ORDER NO. 1 – EARLE ASPHALT COMPANY (EAST WARD STREET RECONSTRUCTION)

WHEREAS, on July 17, 2017, the Borough Council awarded a contract for the Rehabilitation of East Ward Street in Hightstown Borough to Earle Asphalt Company of Farmingdale, New Jersey at the price of \$417,213.13; and

WHEREAS, the contractor has submitted payment No. 2 – Final in the amount of \$40,065.96 for work completed between July 21, 2018 and the completion of the project which included installation of curbing and sidewalk, roadway base repairs, inlet repairs, roadway paving and other associated items; and

WHEREAS, the contractor has submitted change order No. 1 which adjusts contract quantities to as-built quantities which decreases the original contract by \$45,490.22 (10.90%) to \$371,722.91; and

WHEREAS, the Project Engineer has recommended approval of payment No. 2 Final in the amount of \$40,065.96 and change order No. 1; and

WHEREAS, Insufficient work performed by the Contractor caused the Borough to extend additional funding to the Engineer for this project; and

WHEREAS, the Contractor was notified by the Borough Attorney that any additional fees for

Engineering services required due to the insufficient work performed would be deducted from the final payment on the contract; and

WHEREAS, the cost of these additional engineering services by Van Cleef Engineering amount to \$3,062.50 and such amount shall be deducted from the final payment to Earle Asphalt; 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 Change Order No. 1 and payment No. 2 Final in the amount of \$37,003.46 to Earle Asphalt Company of Farmingdale, New Jersey is hereby approved as detailed herein.

Resolution 2019-172 Authorizing Payment to Remington Vernick for Inspection and Contract Administration Services Associated with the Peddie Lake Dam Pedestrian Bridge Project

Moved by Councilmember Musing; Seconded by Councilmember Stults

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

Resolution adopted 5-0.

Resolution 2019-172

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

AUTHORIZING PAYMENT TO REMINGTON VERNICK FOR INSPECTION AND CONTRACT ADMINISTRATION SERVICES ASSOCIATED WITH THE PEDDIE LAKE DAM PEDESTRIAN BRIDGE PROJECT

WHEREAS, on December 18, 2017, the Borough Council awarded a contract for Inspection and Contract Administration Services Associated with the Peddie Lake Dam Pedestrian Bridge to Remington Vernick Engineers, of Haddonfield, New Jersey at a cost not exceed \$184,921.28; and

WHEREAS, the engineer has submitted a payment request for inspection and contract administration services through May 31, 2019, in the total amount of \$6,052.11; 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 Payment Request to Remington Vernick Engineers of Haddonfield, New Jersey in the amount of \$6,052.11, is hereby approved as detailed herein, and the CFO is authorized to issue same.

Resolution 2019-173 Authorizing Refund of Tax Overpayment

Moved by Councilmember Bluth; Seconded by Councilmember Jackson.

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

Resolution adopted 4-0 with 1 abstention.

Resolution 2019-173
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 54/Lot 8, Mercer Street, in the amount of \$4,532.39 and Block 54/Lot 5 118 West Ward Street in the amount of \$130.24, by the mortgage company; and

WHEREAS, the mortgage company, Manasquan Bank, P.O. Box E, Manasquan, NJ 08736 has requested that a refund be issued for the overpayment in the amount of \$4,794.69; and

WHEREAS, the Tax Collector has requested that said overpayment be refunded in the amount of \$4,794.69.

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 \$4,794.69 to Manasquan Bank, P.O. Box E, Manasquan, NJ 08736, representing the tax overpayment as set forth herein.

Resolution 2019-174 Authorizing the Execution of a Settlement and General Release Agreement with Frank Marchione

Moved by Councilmember Stults; Seconded by Councilmember Bluth.

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

Resolution adopted 5-0.

Resolution 2019-174
BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY

AUTHORIZING THE EXECUTION OF A SETTLEMENT AND GENERAL RELEASE AGREEMENT WITH FRANK MARCHIONE

WHEREAS Marchione was previously employed as a Police Officer for the Borough until his employment terminated effective July 31, 2018, following the execution of a settlement agreement; and

WHEREAS on August 21, 2017, a settlement agreement in the matter was authorized and executed by the Borough; and

WHEREAS on July 29, 2019, Marchione filed a motion with Superior Court for an unused sick time payment; and

WHEREAS the Borough denies, and continues to deny, any all allegations made by Marchione; and

WHEREAS the Borough desires to resolve and settle fully and finally this matter while avoiding costly litigation fees; and

WHEREAS the Parties now wish to compromise and settle all claims and disputes between them including but not limited to the claim articulated in the Motion; and

WHEREAS for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and intending to be legally bound hereby, the Borough and Marchione agree that this matter shall be settled and compromised pursuant to the Settlement Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Hightstown that the Mayor is authorized to execute the Settlement and General Release Agreement as approved by the Borough Labor Counsel and Borough Attorney, on behalf of the Borough and the Clerk is hereby authorized to attest.

BE IT FURTHER RESOLVED that the Chief Financial Officer is hereby authorized to release funds per the settlement agreement once fully executed by all parties.

PUBLIC COMMENT PERIOD II

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

Scott Caster, 12 Clover Lane – Spoke regarding bicycle paths and bicycles on the sidewalks.

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

DISCUSSION

Sidewalk Ordinance

Mayor Quattrone stated that the sidewalk ordinance needs to be amended and would like to form a sub committee to investigate the changes and bring recommendations to Council. Councilmembers Jackson and Bluth were appointed to the subcommittee. They will look to bring recommendations to Council at the October 21st meeting.

MAYOR/COUNCIL/ADMINISTRATIVE REPORTS

Councilmember Jackson

The last Fun Friday will be Friday at Association Park from 5:00 – 8:00 p.m.

Councilmember Bluth

Cultural Arts Commission will be hosting a dedication this Sunday for the Mural.

Councilmember Stults

Read the monthly Police report. Downtown Business Group will be creating a banner. They will also have a table at the Harvest Fair. Housing Authority will be meeting Wednesday evening.

Council President Misiura

Planning Board met last Monday and approved the application for the Brewery. The First Aid reported that they responded to 16 calls in August. They were also present at National Night Out, the Latino Festival and the 9-11 Bike Ride.

Deputy Borough Clerk, Peggy Riggio

The ENewsletter is replacing the quarterly paper newsletter and will be going out Monthly. You can sign up on the Borough's website. Harvest Fair Committee will meet tomorrow night and the Harvest Fair is October 12th.

Borough Administrator/Clerk, Debra Sopronyi

The Peddie Lake Bridge should be delivered and installed this week. A press release for the mural dedication will be going out tomorrow.

Tax Collector/Deputy CFO, Monika Patel

Tax Sale is scheduled for October 11th 10:00 a.m. at the Firehouse. There are 10 properties this year.

ADJOURNMENT

Councilmember Stults moved to adjourn into Executive Session at 10:02 p.m. Councilmember Jackson Seconded. All ayes.

Council reconvened into public session at 10:51 p.m.

Resolution 2019-175 Authorizing a Shared Services Agreement with Robbinsville Township for Municipal Court Administrative Staff

Moved by Council President Misiura; Seconded by Councilmember Stults.

Roll Call Vote: Councilmembers Jackson, Misiura, and Stults voted yes. Councilmembers Bluth and Musing voted no.

Resolution adopted 3-2.

Resolution 2019-175
BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER

STATE OF NEW JERSEY

AUTHORIZING A SHARED SERVICES AGREEMENT WITH ROBBINSVILLE TOWNSHIP FOR MUNICIPAL COURT ADMINISTRATIVE STAFF

WHEREAS, the “Uniform Shared Services and Consolidation Act,” N.J.S.A. 40A:65-1, *et seq.* (the “Act”), authorizes local units of this State to enter into an agreement with any other local unit or units to provide or receive any service that each local unit participating in the agreement is empowered to provide or receive in its own jurisdiction; and

WHEREAS, N.J.S.A. 2B:12-1(c) provides that “two or more municipalities, by ordinance or resolution, may agree to provide jointly for courtrooms, chambers, equipment, supplies and employees for their municipal courts and to agree to appoint judges and administrators without establishing a joint municipal court;” and

WHEREAS, Hightstown is in need of municipal court staff, including a Municipal Court Administrator, Deputy Municipal Court Administrator(s), and Violations Clerk(s) in order to effectively administer, manage and oversee the operations of the Hightstown Borough Municipal Court (the “Services”), in accordance with all statutory requirements and pursuant to the direction and oversight of the Assignment Judge of Mercer County; and

WHEREAS, Robbinsville will employ five (5) individuals who will serve in the positions of Municipal Court Administrator, two Deputy Municipal Court Administrators, and two Violations Clerks, respectively (the “Robbinsville Employees”), for the Robbinsville Township Municipal Court; and

WHEREAS, the Robbinsville Employees possess specialized skills, knowledge and expertise in the area of Municipal Court administration; and

WHEREAS, Hightstown and Robbinsville have previously entered into Shared Services Agreement(s) in order to share facilities and equipment relating to their respective municipal court operations in accordance with N.J.S.A. 2B:12-1(c) in order to conserve resources and to provide for a more efficient and more economically sound municipal court system, while each municipality has maintained its right to appoint its own judge, prosecutor and public defender; and

WHEREAS, the Parties wish to build upon the existing relationship in a separate agreement for the Services, for the term referenced herein, in accordance with the terms and conditions set forth in the within Agreement, effective upon the following: (1) execution of the within Agreement; and (2) approval of the Administrative Office of the Courts (hereinafter, the “AOC”) and the Assignment Judge of the Superior Court of New Jersey, Mercer County Vicinage (hereinafter, the “Assignment Judge”), whichever occurs later; and

WHEREAS, the existing agreement entitled “Agreement Between the Borough of Hightstown and the Township of Robbinsville to Share Municipal Court Facilities” shall remain separate and unaffected by this Agreement to the extent that it does not conflict with the terms of this Agreement, in which case the terms of this Agreement shall control; and

WHEREAS, the Governing Bodies of both Robbinsville and Hightstown find that it would be in the best interests of the Parties to collectively provide for the Services, under the terms and conditions referenced in the agreement.

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

Borough that the Mayor and Borough Administrator/Clerk are hereby authorized to execute the shared services agreement with Robbinsville Township for Municipal Court Staff.

Councilmember Stults moved to adjourn at 10:53 p.m.; Councilmember Jackson seconded. All ayes.

Respectfully Submitted,

Margaret M. Riggio
Deputy Borough Clerk