

**Meeting Minutes  
Hightstown Borough Council  
January 21, 2020  
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.

|                               | <b>PRESENT</b> | <b>ABSENT</b> |
|-------------------------------|----------------|---------------|
| <i>Councilmember Bluth</i>    | ✓              |               |
| <i>Councilmember Cicalese</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 and Fred Raffetto, Borough Attorney.

**EXECUTIVE SESSION**

**Resolution 2020-35 Authorizing a Meeting that Excludes the Public**

Moved by Councilmember Jackson; Seconded by Council President Musing.

Council President Musing moved to amend Resolution 2020-35 by including “Contract Negotiations – Robbinsville”; Councilmember Bluth seconded.

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

Resolution amendment adopted 5-0.

Mayor Quattrone called for a Roll Call Vote on Amended Resolution 2020-35.

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

Resolution adopted as amended 5-0.

Resolution 2020-35  
*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

January 21, 2020 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 – Police Chief, Superintendent of Public Works

Contract Negotiations - Robbinsville

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 April 21, 2020, 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 7:37 p.m. and again read the Open Public Meetings Statement.

The Flag Salute followed roll call. Kevin McManimon, Esq., Development Attorney for the Brough, entered the meeting at this time and was now present.

#### **APPROVAL OF AGENDA**

Moved by Council President Musing; Seconded by Councilmember Cicalese.

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

Agenda approved 5-0.

#### **MINUTES**

December 16, 2019 Executive Session minutes were moved by Councilmember Bluth; Seconded by Councilmember Jackson.

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

Minutes approved 5-0.

December 16, 2019 Public Session minutes were moved by Councilmember Bluth; Seconded by Councilmember Cicalese.

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

Minutes approved 5-0.

#### **PUBLIC COMMENT I**

Mayor Quattrone opened public comment period I and there being no one coming forward, the public comments period was closed.

**RESOLUTIONS**

**Resolution 2020-36 Payment of Bills**

Moved by Councilmember Cicalese; Seconded by Councilmember Jackson.

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

Resolution adopted 5-0.

Resolution 2020-36

*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 \$17,954.35 from the following accounts:

|                       |  |                    |
|-----------------------|--|--------------------|
| Current               |  | \$11,473.03        |
| W/S Operating         |  | 475.92             |
| General Capital       |  | 6,000.00           |
| Water/Sewer Capital   |  | 0.00               |
| Grant                 |  | 0.00               |
| Trust                 |  | 0.00               |
| Housing Trust         |  | 0.00               |
| Animal Control        |  | 5.40               |
| Law Enforcement Trust |  | 0.00               |
| Housing Rehab Loans   |  | 0.00               |
| Unemployment Trust    |  | 0.00               |
| Escrow                |  | <u>0.00</u>        |
|                       |  |                    |
| Total                 |  | <u>\$17,954.35</u> |

**Resolution 2020-37 Resolution of the Borough of Hightstown, in the County of Mercer, Designating a Conditional Redeveloper for Block 30, Lots 1-7; Block 30, lots 10-13 and Block31, Lots 1-13, 20 & 26 on the Tax Map of the Borough and Authorizing the Execution of an Interim Cost Agreement with Respect Thereto**

Moved by Council President Musing; Seconded by Councilmember Misiura.

Mayor Quattrone introduced Mr. McManimon and asked for an explanation of this resolution. Mr. McManimon then proceeded to inform Mayor and Council that this resolution appoints PRC Group as the Conditional Redeveloper for the Rug Mill project and authorizes an escrow account to cover the professional expenses preliminary to application. He noted that next steps will include negotiating a new Redeveloper Agreement with PRC Group. An aggressive timeline on the application going to the Planning Board has been set; the agreement should take about two (2) months.

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

Resolution adopted 5-0.

Resolution 2020-37

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

**RESOLUTION OF THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, DESIGNATING A CONDITIONAL REDEVELOPER FOR BLOCK 30, LOTS 1-7, BLOCK 30, LOTS 10-13, AND BLOCK 21, LOTS 1-13, 20 & 26 ON THE TAX MAP OF THE BOROUGH AND AUTHORIZING THE EXECUTION OF AN INTERIM COSTS AGREEMENT WITH RESPECT THERETO**

**WHEREAS**, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 *et seq.*, as amended and supplemented (the “**Redevelopment Law**”) provides a process for municipalities to participate in the redevelopment and improvement of areas in need of redevelopment; and

**WHEREAS**, pursuant to the Redevelopment Law, by Resolution 2003-19 duly adopted on December 1, 2003, as amended by Resolution 2018-72, adopted on March 19, 2018, the Borough Council (“**Borough Council**”) of the Borough of Hightstown (the “**Borough**”) designated the properties known as Tax Block 54, Lots 6-10, 13, 14.01, 16.01 & 23; Block 40, Lots 14-28; Block 33, Lots 1-30 & 32-36; Block 30, Lots 1-13; Block 28, Lots 56 & 57; and Block 21, Lots 1-14, 20 & 26 on the Borough’s official tax map (collectively, the “**Original Redevelopment Area**”), as an “area in need of redevelopment”; and

**WHEREAS**, a revised redevelopment plan (“**Redevelopment Plan**”) containing development standards for that portion of the Original Redevelopment Area which is known as Sub-Area I (Bank Street) was adopted by Ordinance Number 2015-04 of the Borough Council on April 20, 2015, which revised those redevelopment plans for the Redevelopment Area previously adopted by the Borough on September 7, 2004, October 2, 2006 and October 6, 2008, and which was subsequently further amended by ordinances adopted March 6, 2017 and April 2, 2018; and

**WHEREAS**, on March 10, 2017, the Borough and RBG Hightstown, LLC (“**RBG**”) entered into that certain Amended and Restated Redevelopment Agreement (the “**Redevelopment Agreement**”), pursuant to which, among other things, RBG agreed to redevelop the portion of the Redevelopment Area consisting of Block 30, Lots 1-7, Block 30, Lots 10-13, and Block 21, Lots 1-13, 20 & 26 on the Borough’s official tax map (collectively, the “**Original Project Area**”), which constitutes part of Sub-Area I (Bank Street), by constructing thereon a project including approximately 47,500 square feet of retail space, approximately 266 residential units, and associated parking and other infrastructure improvements, consistent with the Concept and Phasing Plan attached as Exhibit 2 to the Redevelopment Agreement (the “**Original Project**”); and

**WHEREAS**, RBG subsequently sold the Original Project Area to 3PRC, LLC, an affiliate of the PRC Group (“**PRC**”); and

**WHEREAS**, PRC has expressed a desire to redevelop the Original Project Area in a manner generally consistent with the Redevelopment Agreement, as well as the parcels designated on the Borough’s tax map as Block

8, Lots 12-14, and Block 18, Lots 8-12 (the “**Additional Property**”), located adjacent to or otherwise near the Original Project Area, to more effectively redevelop the Original Project Area; and

**WHEREAS**, in accordance with the criteria set forth in the Redevelopment Law, the Borough identified and designated the Additional Property as an "area in need of redevelopment" although it has not yet adopted a redevelopment plan for the Additional Property; and

**WHEREAS**, the Borough determined that in order to coordinate the redevelopment of the Original Project Area in the most timely and efficient manner, it is in the best interests of the Borough to designate PRC as the conditional redeveloper of the Original Project Area, pending the negotiation and execution of, among other agreements, a Redevelopment Agreement between the Borough and PRC; and

**WHEREAS**, the Borough desires to authorize the execution of an interim costs agreement with PRC (in the form attached hereto as **Exhibit A**, the "**Interim Costs Agreement**") to reimburse the Borough for any and all costs incurred by the Borough prior to the execution of a Redevelopment Agreement with PRC, including the Borough’s reasonably incurred out-of-pocket fees, costs and expenses related to the designation of PRC as the conditional redeveloper, the drafting of amendments to the Redevelopment Plan, if any, to be prepared by the Planning Consultant for consideration by the Planning Board, negotiation of the terms and conditions of a redevelopment agreement, financial or tax agreement, if applicable, and other documents related to the redevelopment of the Original Project Area and, if applicable, the Additional Property, including, but not limited to, fees for legal, real estate appraisal, accounting, engineering, planning and financial advisory services, including all such fees, costs and expenses incurred prior to the date of adoption of this resolution (the “**Interim Costs**”); and

**WHEREAS**, the Borough anticipates that it will amend the conditional redeveloper designation made herein to include the Additional Property upon the adoption of a redevelopment plan for the Additional Property.

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

**Section 1.** The foregoing recitals are hereby incorporated by reference as if fully set forth herein.

**Section 2.** PRC is hereby designated as the Conditional Redeveloper of the Original Project Area pending the execution of the Redevelopment Agreement with the Borough.

**Section 3.** The within designation is hereby made for a limited period of one hundred eighty (180) days, and is contingent upon PRC providing any additional Original Project related information as may be requested by the Borough.

**Section 4.** The within designation is further contingent upon (i) PRC agreeing to reimburse the Borough for any and all Interim Costs in accordance with the Interim Costs Agreement and (ii) negotiating a formal Redevelopment Agreement between the Borough and PRC.

**Section 5.** The Mayor of the Borough is hereby authorized and directed to execute the Interim Costs Agreement, with such changes, omissions or amendments as the Mayor deems appropriate in consultation with the Borough's redevelopment counsel and other professionals.

**Section 6.** This resolution shall take effect immediately.

#### **Resolution 2020-38 Rescinding Resolution 2019-181**

Moved by Councilmember Jackson; Seconded by Councilmember Misiura.

The Borough Administrator explained the need for this resolution.

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

Resolution adopted 5-0.

Resolution 2020-38

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

**RESCINDING RESOLUTION 2019-181**

**WHEREAS**, Resolution 2019-181 authorized an agreement for inspection and contract administration services associated with improvements to Stockton Street and Joseph Street to Roberts Engineering Group, LLC of Hamilton, NJ ; and

**WHEREAS**, the Borough has been notified by NJDOT that the overhead rates for Roberts Engineering Group, LLC have not been certified.

**NOW THEREFORE BE IT RESOLVED**, the Mayor and Council of the Borough of Hightstown, in the County of Mercer and State of New Jersey hereby rescind resolution 2019-181.

**Resolution 2020-39 Authorizing an Agreement for Inspection and Contract Administration Services Associated with Improvements to Stockton and Joseph Street**

Moved by Councilmember Bluth; Seconded by Councilmember Jackson.

The Borough Administrator explained the need for this resolution.

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

Resolution adopted 5-0.

Resolution 2020-39

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

**AUTHORIZING AN AGREEMENT FOR INSPECTION AND CONTRACT  
ADMINISTRATION SERVICES ASSOCIATED WITH IMPROVEMENTS TO  
STOCKTON STREET & JOSEPH STREET  
(FEDERAL PROJECT #TAP-0571(300); NJDOT JOB CODE #6504307)**

**WHEREAS**, Hightstown Borough is making improvements to Stockton Street and Joseph Street; and

**WHEREAS**, Hightstown Borough advertised for proposals for Inspection and Contract Administration Services through the appropriate fair and open process and seven (7) proposals were received on September 19, 2019; and

**WHEREAS**, Responses to the requests for proposals were rated based on the following criteria: Qualifications/Experience of Firm in Similar Work, Qualifications/Experience/Ability of Key Personnel, Understanding of Scope of Work and Project Needs, Technical Approach, Experience of Firm with NJDOT and FHWA Procedures, and Presentation of Proposal by the evaluation team; and

**WHEREAS**, the Borough wishes to appoint Omsum Engineering, LLC of Piscataway, New Jersey to provide engineering inspection and contract administration services for the project; and

**WHEREAS**, the cost for said services shall not exceed \$72,692.24 without further authorization of the Governing Body; and

**WHEREAS**, this project is being funded by a Safe Routes to School grant from the New Jersey Department of Transportation and the award of this contract is conditional upon approval by the New Jersey Department of Transportation

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the Mayor and Borough Clerk are hereby authorized to execute an agreement Omsum Engineering, LLC of Piscataway, New Jersey to provide engineering inspection and contract administration services for the Stockton Street and Joseph Street project in an amount not to exceed \$57,011.96 subject to approval by the New Jersey Department of Transportation.

**Resolution 2020-40 Amending Resolution 2019-181**

Moved by Council President Musing; Seconded by Councilmember Cicalese.

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

Resolution adopted 5-0.

Resolution 2020-40

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

**AMENDING RESOLUTION 2019-115**

**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 authorized the remainder of the project at a total cost not to exceed \$459,895.00; and

**WHEREAS**, it is now the desire of Borough Council to change the scope of work to include concept designs for a Police sub-station increasing the contract by \$13,000.00; and

**WHEREAS**, it is necessary to amend the contract amount to not exceed \$472,895.00 without further authorization of the Governing Body; 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 the contract amount in Resolution 2019-115 is hereby amended to not exceed \$472,895.00 without further authorization of the Governing Body.

**Resolution 2020-41 Authorizing Payment #5 and Change Order #1 – Reivax Contracting (Stockton Street Water Main Replacement)**

Moved by Councilmember Bluth; Seconded by Councilmember Jackson.

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

Resolution adopted 5-0.

Resolution 2020-41

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

**AUTHORIZING PAYMENT #5 AND CHANGE ORDER #1 – REIVAX  
CONTRACTING (STOCKTON STREET WATER MAIN REPLACEMENT)**

**WHEREAS**, on April 24, 2019, the Borough Council awarded a contract for the Stockton Street Water Main Replacement to Reivax Contracting of Newark, New Jersey at the price of \$933,750.00; and

**WHEREAS**, the contractor has submitted change order #1 which increases the contract by \$369.96; and

**WHEREAS**, the contractor has submitted payment request #5 for partial payment through December 19, 2019 for, police traffic directors, test holes, 8” HDPE water main, valves, fittings, hydrant assemblies, 1” polyethylene water services and permanent pavement restoration in the total amount of \$216,413.74; and

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

**WHEREAS**, the Borough Engineer has recommended approval of payment #5 to Reivax Contracting of Newark, New Jersey for \$216,413.74; 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 #5 to Reivax Contracting of Newark, New Jersey for \$216,413.74, is hereby approved as detailed herein, and the CFO is authorized to issue same.

**PUBLIC COMMENT PERIOD II**

Mayor Quattrone opened the public comment period II and there being no one coming forward, the public comment was closed.

**DISCUSSION**

Vacancy on Housing Authority



Mayor Quattrone advised that there is a vacancy on the Housing Authority, and if anyone has a suggested replacement, they should let him know. At that time Mayor Quattrone acknowledged Housing Authority Executive Director, Keith LePrevost.

Mr. LePrevost advised that long term Commissioner Carole Nelson resigned due to health issues and a replacement is needed; he asked that the Mayor and Council consider honoring Ms. Nelson for her services in the future. Mr. LePrevost advised that the Chair of the Housing Authority will be reaching out to the Mayor regarding the vacancy.

Mayor Quattrone advised that anyone interested in the Commissioner position should file a Citizen Leadership form and resume with the Clerk's office. He then thanked Mr. LePrevost for his comments.

### Agenda Listing

Council President Musing requested that the agendas be revised to include "New Business and "Old Business" under discussion. There was discussion and the Clerk/Administrator explained that the agenda would be revised according to her understanding of what they are looking for, and it can be discussed at the next meeting as to whether the listing met the request.

### Accessory Structure Ordinance

Mayor Quattrone acknowledged George Chin, Construction/Zoning Official for the Borough. Mr. Chin stepped forward and advised that he believe this ordinance protects property owners against neighbor disputes. He noted that zoning approval would assure zoning regulations are being met and it does not mean the Borough is verifying that the structure, or a tree house meets safety requirements. Mr. Chin recommended that the ordinance be adopted before spring to eliminate any controversial building on private property.

Mr. Raffetto reviewed Council's previous concerns with this ordinance and explained that he has been working with Mr. Chin regarding the requested changes and the definitions that are being used for zoning purposes in this ordinance.

There was discussion regarding using the term "treehouse" and regulating same; and that if something is not listed in the ordinance it is not permitted. Council requested that the ordinance come back for introduction on the next agenda and treehouses, as well as the paragraph referencing same be eliminated from the ordinance; and the term "elevated freestanding accessory structure" be used in the ordinance.

## **SUBCOMMITTEE REPORTS**

There were no Subcommittee reports.

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

### **Councilmember Cicalese**

Board of Health met on January 8<sup>th</sup> and there will be a report on health services given at the net meeting.

### **Councilmember Jackson**

Parks & Rec had their re-org meeting and Stacey Judge is Chair, Jordan Adler is Vice-Chair. They will have a special meeting at the end of January to establish their budget request.

### **Councilmember Misiura**

The Planning Board has met, and Fred Montferrat remained the Chair; Beverly Asselstine is the Vice-Chair.

**Councilmember Cicalese**

Added that the Complete Streets information and Mobility Grant survey is on the website. Public participation is needed to assure all information can be used in developing a mobility plan.

**Councilmember Bluth**

The Environmental Commission met last week and the 2019 accomplishments were reviewed; they included tree planting, maintenance, pruning, tagging; and food recycling with Peddie School and Meadow Lakes.

Cultural Arts will sponsor the Empty Bowls in March.

**Council President Musing**

The Historic Preservation Commission met and John Hostetler is the Chair; all approvals have been received and the banners will be hung soon.

**Mayor Quattrone**

Noted that the Fire Department Dinner was a nice event and well attended; Scott Jenkins was sworn in as Chief, and Scott Belgard as President.

**Borough Administrator/Clerk, Debra Sopronyi**

Dog licenses must be paid by January 31<sup>st</sup> to avoid the \$5.00 late fee that takes effect on February 1<sup>st</sup>.

**ADJOURNMENT**

Councilmember Cicalese moved to adjourn at 8:40 p.m. Councilmember Jackson seconded. All ayes.

Respectfully Submitted,

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