

Agenda

Hightstown Borough Council

March 18, 2019

Hightstown Fire House

6:30 PM – Executive Session

7:30 PM – Public Session

PLEASE TURN OFF ALL CELL PHONES DURING YOUR ATTENDANCE AT THIS MEETING TO AVOID SOUNDS/RINGING OR CONVERSATION THAT MAY INTERFERE WITH THE MEETING OR THE ABILITY OF ATTENDEES TO HEAR THE PROCEEDINGS. THANK YOU FOR YOUR COOPERATION.

Meeting called to order by Mayor Lawrence Quattrone.

STATEMENT: 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 provided to the *Trenton Times* and the *Windsor-Hights Herald*, and is posted in the Borough Clerk's office.

Roll Call

Flag Salute

Executive Session	2019-63 Authorizing a Meeting that Excludes the Public Contract Negotiations – Mills at Hightstown
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Approval of the Agenda

Minutes	March 4, 2019 – Executive Session March 4, 2019 – Public Session
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Presentations	Housing Authority - RAD Conversion
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Public Comment I	Any person wishing to address the Mayor and Council regarding matters on the agenda will be allowed a maximum of three minutes for his or her comments.
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Ordinances	2019-05 Final Reading and Public Hearing – An Ordinance Amending and Supplementing Chapter 8, Entitled “Towing and Storage”, of the Revised General Ordinances of the Borough of Hightstown, New Jersey
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Resolutions	2019-64 Payment of Bills 2019-65 Recognizing NJ Local Government Week, April 7, 2019 – April 13, 2019, and Encouraging All Citizens to Support the Celebration and Corresponding Activities 2019-66 Authorizing Payment #1 – The Earle Asphalt Company (First Avenue and Forman Street Water Main Extension)
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- 2019-67** Authorizing Payment #1 – S. Brothers, Inc. (Improvements to Maple Avenue and Sunset Avenue)
- 2019-68** Authorizing Payment #5 – WSP USA Inc. (NJDOT Safe Routes to Schools – Improvements to Stockton Street and Joseph Street)
- 2019-69** Authorizing Payment to Van Cleef Engineering Associates (Construction Administration and Inspection for the Rehabilitation of East Ward Street)
- 2019-70** Authorizing Payment to the Musial Group, P.A. (Architectural and Contract Administration Services for Municipal Facilities Located at 230 Mercer Street)
- 2019-71** Authorizing Payment to Remington Vernick for Inspection and Contract Administration Services Associated with the Peddie Lake Dam Pedestrian Bridge Project

Consent Agenda

- 2019-72** Authorizing the Execution of an Amendment to an Agreement with New Jersey Department of Transportation (NJDOT), and the Hightstown Borough Water Treatment Plant for Intersection Ramp and Signal Upgrades and Water System Impacts
- 2019-73** Appointing Plumbing Subcode Official
- 2019-74** Amending Resolution 2018-203
- 2019-75** Authorizing a Transfer of Funds in the 2018 Budget

Public Comment II

Any person wishing to address the Mayor and Council at this time will be allowed a maximum of three minutes for his or her comments.

Discussion

Proposed Tree Ordinance Changes

Subcommittee Reports

Mayor/Council/Administrative Reports

Adjournment

Resolution 2019-63

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

AUTHORIZING A MEETING WHICH EXCLUDES THE PUBLIC

BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that this body will hold a meeting on March 18, 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 – The Mills at Hightstown

Stated as precisely as presently possible the following is the time when and the circumstances under which the discussion conducted at said meeting can be disclosed to the public: June 18, 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.

CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on March 18, 2019.

Debra L. Sopronyi
Borough Clerk

Meeting Minutes
Hightstown Borough Council
March 4, 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>	✓	
<i>Councilmember Egan</i>	✓	
<i>Councilmember Jackson</i>	✓	
<i>Councilmember Montferrat</i>	✓	
<i>Councilmember Musing</i>	Arrived at 7:04 pm	
<i>Councilmember Stults</i>	✓	
<i>Mayor Quattrone</i>	✓	

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

EXECUTIVE SESSION

Resolution 2019-55 Authorizing a Meeting that Excludes the Public

Moved by Councilmember Stults; Seconded by Councilmember Jackson.

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

Resolution adopted 5-0.

Resolution 2019-55

BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY

AUTHORIZING A MEETING WHICH EXCLUDES THE PUBLIC

BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that this body will hold a meeting on March 4, 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

Stated as precisely as presently possible the following is the time when and the circumstances under which the discussion conducted at said meeting can be disclosed to the public: June 4, 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 7:30 p.m. and again read the Open Public Meetings Statement.

Councilmember Musing arrived during Executive Session and is now present.

The Flag Salute followed roll call.

APPROVAL OF AGENDA

Councilmember Bluth requested that Resolution 2019-58 be taken out of consent and voted on separately. Councilmember Stults requested that the Borough Engineer's letter regarding First and Forman be added to discussion.

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

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

Agenda approved as amended 6-0.

APPROVAL OF MINUTES

February 19, 2019 – Executive Session

Moved by Councilmember Stults; Seconded by Councilmember Egan.

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

Minutes approved 5-0.

February 19, 2019 – Public Session

Councilmember Bluth requested that the date of Empty Bowls be corrected.

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

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

PRESENTATIONS

RISE

Nancy Laudenberger, President of the RISE Board of Directors, gave the history of RISE and an overview of their programs. She stated that the Board meets on the 1st Wednesday of the month and they welcome Councilmembers to join them. Mayor Quattrone asked if anyone from the public had any questions.

Scott Caster, 12 Clover Lane – Asked if RISE had a footprint in East Windsor and what percentage of the people served were Hightstown residents. Ms. Laudenberger stated that 1,070 people are served; 179 families are from Hightstown, 295 families were East Windsor residents and 16 families are Cranbury residents. She also stated that at present time, RISE does not have a footprint in East Windsor, but that East Windsor does support them financially.

PUBLIC COMMENT I

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

There being no one coming forward, Mayor Quattrone closed the public comment period.

ORDINANCES

Ordinance 2019-02 Final Reading and Public Hearing – An Ordinance Amending and Supplementing Subsection 25-10, Entitled “Maintenance and Repair,” of Section 25, “Stormwater Control,” of the “Revised General Ordinances of the Borough of Hightstown, New Jersey.”

Mayor Quattrone opened the public hearing for Ordinance 2019-02 and the following individuals spoke:

Frank Rivera, 110 Broad Street – Spoke regarding the high-water table in Hightstown and that the residents on Broad Street would like to direct their sump pumps out to the street.

There being no one else coming forward, the Mayor closed the public hearing.

Moved for adoption by Council President Misiura; seconded by Councilmember Musing.

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

Ordinance adopted 6-0.

ORDINANCE 2019-02

BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY

**AN ORDINANCE AMENDING AND SUPPLEMENTING
SUBSECTION 25-10, ENTITLED “MAINTENANCE AND REPAIR,”
OF SECTION 25, “STORMWATER CONTROL,”
OF THE “REVISED GENERAL ORDINANCES OF THE
BOROUGH OF HIGHTSTOWN, NEW JERSEY.”**

WHEREAS, the Borough of Hightstown (the “Borough”) maintains an MS4 New Jersey Pollutant Discharge

Elimination System (NJPDES) Stormwater Permit (the “Stormwater Permit”); and

WHEREAS, the Stormwater Permit must remain in compliance each year; and

WHEREAS, as of January 1, 2018, the New Jersey Department of Environmental Protection (the “NJDEP”) updated and issued new requirements that the Borough must adhere to in order to comply with the Annual Permit Recertification; and

WHEREAS, the Borough is required to develop, update, implement, and enforce a program to ensure adequate long-term cleaning, operation, and maintenance of stormwater facilities not owned or operated by the Borough; and

WHEREAS, at the recommendation of the Borough Engineer, and in order to remain in compliance with the Stormwater Permit, the Hightstown Borough Council has agreed to modify the existing language of certain provisions currently contained within the Borough Code.

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. Subsection 25-10, entitled “Maintenance and Repair,” of Section 25 “Stormwater Control,” of the “Revised General Ordinances of the Borough of Hightstown,” is hereby amended and supplemented in the following respects (additions are shown with underline, deletions are shown with ~~strikeout~~):

Section 25 STORMWATER CONTROL

25-10. Maintenance and Repair

A. Applicability

1. Projects subject to review as in Section 1.C of this ordinance shall comply with the requirements of Sections 10.B and 10.C.

B. General Maintenance

1. The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development.
2. The maintenance plan shall contain specific preventative maintenance tasks and schedules; cost estimates, including estimated cost of sediment, debris, or trash removal; and the name, address, and telephone number of the person or persons responsible for preventative and corrective maintenance (including replacement). Maintenance guidelines for stormwater management measures are available in the New Jersey Stormwater Best Management Practices Manual. If the maintenance plan identifies a person other than the developer (for example, a homeowners’ association) as having the responsibility for maintenance, the plan shall include documentation of such person’s agreement to assume this responsibility, or of the developer’s obligation to dedicate a stormwater

management facility to such person under an applicable ordinance or regulation.

3. Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project.
4. If the person responsible for maintenance identified under Section 10.B.2 above is not a public agency, the maintenance plan and any future revisions based on Section 10.B.7 below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.
5. Preventative and corrective maintenance shall be performed to maintain the function of the stormwater management measure, including repairs or replacement to the structure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of nonvegetated linings.
6. The person responsible for maintenance identified under Section 10.B.2 above shall maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance-related workorders.
7. The person responsible for maintenance identified under Section 10.B.2 above shall evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed.
8. The person responsible for maintenance identified under Section 10.B.2 above shall retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by Sections 10.B.6 and 10.B.7 above.
9. The requirements of Sections 10.B.3 and 10.B.4 do not apply to stormwater management facilities that are dedicated to and accepted by the Borough.
10. For all stormwater management facilities not dedicated to the Borough, a two-year maintenance guarantee for maintenance and repair of the stormwater management facility shall be submitted to the Borough in accordance with N.J.S.A. 40:55D-53. The maintenance guarantee shall be in addition to the submission of performance and maintenance guarantees required for subdivisions and site plans.
11. The owner of a private stormwater facility is required to inspect the facility after each major storm event and perform any maintenance and/or repairs

that may be required, in addition to routine mowing and removal and disposal of accumulated debris from the facility. The owner shall file a report with the Borough annually which provides its inspection dates (which shall be performed quarterly), and any action(s) taken to rectify any condition(s) found. The Borough shall inspect the facility once per year at the cost of \$100.00 to the property owner. The Borough shall also maintain a log and map to demonstrate compliance with maintenance requirements and shall document any actions taken by the Borough to enforce compliance. If inspection reveals that maintenance has not been maintained by the owner of the stormwater facility, then the Borough Official will issue an order to correct the deficiency within 30 days. If the deficiency is not corrected within 30 days, the Borough will correct the deficiency and recover the cost under the Property Maintenance Section of the Borough Code (Section 14-12). The Borough, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause as approved by the Borough Engineer or his/her designee.

C. Nothing in this section shall preclude the Borough in which the major development is located from requiring the posting of a performance or maintenance guarantee in accordance with N.J.S.A. 40:55D—53.

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 2019-03 Final Reading and Public Hearing – An Ordinance Amending and Supplementing Chapter 2, Entitled “Administration”, Section 2-19, Entitled “Police Department”, Subsection 2-19-10 Entitled “Qualifications for Police Officers” of the Revised General Ordinances of the Borough of Hightstown, New Jersey

Mayor Quattrone opened the public hearing for Ordinance 2019-03 and the following individuals spoke:

There being no one coming forward, Mayor Quattrone closed the public hearing.

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

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

Ordinance adopted 6-0.

Ordinance 2019-03

BOROUGH OF HIGHTSTOWN

COUNTY OF MERCER

STATE OF NEW JERSEY

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 2, ENTITLED
“ADMINISTRATION”, SECTION 2-19, ENTITLED “POLICE DEPARTMENT”, SUBSECTION
2-19.10 ENTITLED “QUALIFICATIONS FOR POLICE OFFICERS” OF THE REVISED
GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN, NEW JERSEY**

WHEREAS, the Hightstown Police Department desires to amend the qualifications for the hiring of new officers; and

WHEREAS, the Mayor and Borough Council find this change would be advantageous for the hiring 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 2, entitled “Administration”, Section 2-19, entitled “Police Department”, Subsection 2-19.10, entitled “Qualifications for Police Officers”, is hereby amended to read as follows (underline for additions, strikethroughs for deletions):

Subsection 2-19.10 Qualifications for Police Officers.

No person shall be appointed as a regular or permanent member of the Police Department unless that person is qualified in accordance with the requirements of N.J.S.A. 40A:14-122 and the age requirements set forth in N.J.S.A. 40A:14-127 et seq. In particular, no person shall be eligible or qualified to be appointed as a regular or permanent police officer unless, at the time of his/her appointment:

- a. She/he shall be a citizen of the United States and resident of the State of New Jersey.
- b. She/he shall not be less than eighteen (18) years of age and shall be sound in body and of good health sufficient to satisfy the Board of Trustees of the Police and Firemen's Retirement System of New Jersey as to her/his eligibility for membership in the retirement system. Age shall not be considered in the promotion of any officer to a higher rank.
- c. She/he shall demonstrate the ability to read and write the English language intelligently.
- d. She/he is of good moral character and shall not have been convicted of a crime or disorderly persons offense that, in the judgment of the Borough Council, would be prejudicial to the morale or the reputation of the Police Department.
- e. She/he must successfully pass the required physical fitness examination, drug and alcohol screening, psychological examination administered by a physician or laboratory of the Borough's choosing and be a successful graduate of a certified police academy as she/he may be assigned by the Borough. Any drug screening, psychological or medical examination or physical fitness examination shall be conducted after a conditional offer of employment or promotion has been made by the Borough.
- f. She/he is a holder of a valid New Jersey driver's license.

g. She/he must have an associate's degree or 60 college credits from an accredited college or university PLUS at least 24 months of satisfactory employment or military experience.

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 2019-04 Final Reading and Public Hearing – An Ordinance of the Borough of Hightstown, in the County of Mercer, New Jersey Appropriating \$198,791 Expected to be Received as A Grant from the State of New Jersey Department of Transportation alternatives Program to Supplement the \$210,000 Appropriated by Bond Ordinance #2013-07, Finally Adopted April 1, 2013 and the \$331, 000 Appropriated by Bond Ordinance #2015-14, Finally Adopted August 17, 2015 of the Borough for Improvements to the Peddie Lake Dam Walking Bridge

Mayor Quattrone opened the public hearing for Ordinance 2019-04 and the following individuals spoke:

There being no one coming forward, Mayor Quattrone closed the public hearing.

Moved for adoption by Councilmember Musing; Seconded by Councilmember Stults.

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

Ordinance adopted 6-0.

Ordinance 2019-04

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

**ORDINANCE OF THE BOROUGH OF HIGHTSTOWN, IN THE
COUNTY OF MERCER, NEW JERSEY APPROPRIATING \$198,791
EXPECTED TO BE RECEIVED AS A GRANT FROM THE STATE OF
NEW JERSEY DEPARTMENT OF TRANSPORTATION
ALTERNATIVES PROGRAM TO SUPPLEMENT THE \$210,000
APPROPRIATED BY BOND ORDINANCE #2013-07, FINALLY
ADOPTED APRIL 1, 2013 AND THE \$331,000 APPROPRIATED BY
BOND ORDINANCE #2015-14, FINALLY ADOPTED AUGUST 17, 2015
OF THE BOROUGH FOR IMPROVEMENTS TO THE PEDDIE LAKE
DAM WALKING BRIDGE.**

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The sum of \$198,791, expected to be received as a grant from the State of New Jersey Department of Transportation Alternatives Program, is hereby appropriated to supplement the \$210,000 previously appropriated in bond ordinance #2013-07 of the Borough of Hightstown, in the County of Mercer, New Jersey (the “Borough”), finally adopted April 1, 2013 (“Bond Ordinance #2013-07”) and the \$331,000 previously appropriated in bond ordinance #2015-14 of the Borough, finally adopted August 17, 2015 (“Bond Ordinance #2015-14” and, together with Bond Ordinance #2013-07, the “Original Bond Ordinances”) for improvements to the Peddie Lake Dam walking bridge, including all work and materials necessary therefor and incidental thereto, as more fully described in the Original Bond Ordinances.

Section 2. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 3. This ordinance shall take effect as provided by the law.

Ordinance 2019-05 First Reading and Introduction – An Ordinance Amending and Supplementing Chapter 8, Entitled “Towing and Storage”, of the Revised General Ordinances of the Borough of Hightstown, New Jersey

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

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

Ordinance introduced 6-0.

Public Hearing scheduled for March 18, 2019.

Ordinance 2019-05

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

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 8, ENTITLED “TOWING AND STORAGE”, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN, NEW JERSEY

WHEREAS, the Chief of Police has recommended that certain changes be made to the Borough’s towing ordinance; and

WHEREAS, the Mayor and Council agree with said recommendation.

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

Section 1. Chapter 8, “Towing and Storage”, is hereby amended as follows (underline for additions, strikethroughs for deletions):

Section 8-1 Purpose.

To establish rules and regulations, pursuant to N.J.S.A. 40:48-2.49, et seq., for the towing and storage of motor vehicles from public roadways by operators engaged in the business of towing and storing motor vehicles.

Section 8-2 ~~Scope~~ Applicability of Provisions

~~The provisions of this chapter shall apply to those businesses that engage in towing and storage of motor vehicles within the Borough of Hightstown through the police department.~~

a. ~~The provisions of this chapter shall apply only when a towing service on the tow list is responding to a call initiated by the Hightstown Police Department.~~

b. ~~This chapter shall only apply to all motor vehicle towing and storage operations within the Borough of Hightstown, which occur at the initiation of the Hightstown Police Department. Nothing herein limits the right of the owner or operator of a motor vehicle to request or summon a tow operator of his or her own choosing or a tow operator from another municipality, unless a borough police officer at the scene determines that the tow service to be summoned cannot arrive at the scene within the limited time specified section 8-7 hereof, or does not have the proper equipment to clear the scene, pursuant to subsection 8-10 hereof, and the safety of persons and motorists may be jeopardized thereby.~~

Section 8-3 Definitions.

As used in this chapter:

~~“Abandoned vehicle” shall mean a motor vehicle which the owner or operator leaves on a public roadway and fails to notify the police or does not attempt to repair and remove the same within a reasonable period of time.~~

~~“Accident vehicle” shall mean a motor vehicle which has been involved in an accident.~~

BASIC TOWING SERVICE

~~Refers to the removal and transportation of an automobile from a highway, street or other public or private roadway, or a parking area, or from a storage facility, and other services incident thereto, but does not include recovery of an automobile from a position beyond the right-of-way or berm, or from being impaled upon any other object within the right-of-way or berm.~~

DOUBLE TOW

When any motor vehicle is brought from the original location to police headquarters for investigative purposes and upon completion, is moved from police headquarters to a final destination, the charge will be one and one half times the actual rate for one tow.

ROADSIDE ASSISTANCE CALLS

Basic roadside assistance calls such as tire changing, up to two gallons of fuel, vehicle lockouts or jumpstarting. Due to traffic patterns, roadway design and the inability to conduct quick roadside assistance, the Borough of Hightstown does not recognize roadside assistance for vehicles in excess of 16,000 GVW. Disabled vehicles in excess of 16,000 GVW must be towed from the roadway or any other vehicle deemed to be unsafe on the roadway. If the roadside assistance call results in a tow, then the vehicle operator will only be charged for the towing.

ENVIRONMENTAL CLEAN-UP

Removal and/or disposal of any fluids or debris left on the roadway or property as a result of a motor vehicle accident of recovery.

COMMERICAL MOTOR VEHICLE

Any motor vehicle with a GVW greater than 16,000 pounds which is not classified as an automobile

~~“Disabled vehicle” shall mean any motor vehicle which is unable to operate under its own power.~~

~~“Heavy duty recovery” shall mean the recovery of any motor vehicle over 10,000 pounds gross vehicle weight which requires the vehicle to be uprighted or recovered from either on or off the traveled portion of a public roadway.~~

~~“Heavy duty towing” shall mean the towing of any motor vehicle over 10,000 16,000 pounds gross vehicle weight.~~

~~“Impounded vehicle” shall mean a vehicle which, at the direction of the police department, is taken into police custody because the operator of the vehicle was engaged in a violation of the law, including but not limited to, the operator being arrested on a DWI charge, the operator having been arrested for driving without registration or insurance, or the operator having been arrested for stealing the motor vehicle, or the vehicle having been involved in a serious accident.~~

~~“Light duty towing” shall mean the towing of any motor vehicle up to and including 10,000 pounds gross vehicle weight.~~

MOTOR VEHICLE

~~“Motor vehicle” shall mean all~~ any vehicle propelled otherwise than by muscular power, including trailers and recreational campers, excepting such vehicles as run only upon rails or tracks and motorized bicycles.

STORAGE RATE

~~“Storage rates” shall mean fees charged for the storage of motor vehicles.~~

TOW LIST

~~“Towing list” shall mean a rotating list of all towing services registered with the Borough of Hightstown kept by~~

the Borough Chief of Police.

TOW OPERATOR

A person engaged in the business of or offering the services of a tow vehicle or tow truck and storage services.

TOWING RATES

~~“Towing rates”~~ shall mean fees charged by a towing service for removal and transportation of a motor vehicle.

TOWING SERVICE

~~“Towing service”~~ shall mean a business engaged in the towing and storing of motor vehicles which has been approved for the towing list.

TOWING VEHICLE

~~“Towing vehicle”~~ shall mean a motor vehicle employed by a towing service for the purpose of towing, transporting, conveying or removing motor vehicles from public roadways.

WINCHING

An operation by which a vehicle is moved into the roadway from a position off the roadway or other operation in which substantial work is required to prepare a vehicle for normal towing (i.e. lifting, dragging, up righting a vehicle etc.).

Section 8-4 Towing Service Registration.

a. No towing service shall be placed upon the towing list for the towing or storing of motor vehicles within the Borough, unless the towing service shall first register with the Borough. In order to be placed upon the towing list for towing, a towing service must be located within five (5) miles of the geographic center of the Borough of Hightstown or within the Borough of Hightstown. Registration applications shall be made available by the Borough police department. A towing service that has met all the specifications and requirements of this chapter and has registered with the Borough shall be placed on the towing list by the Chief of Police; however, the maximum number of towing services on the Borough’s towing list shall be up to ~~(3) three~~ ~~five (5)~~ such services. ~~Currently the borough has (5) five towing services on its tow list. This number of approved towing services shall remain in effect, until such time that a currently approved towing company fails to re-register with the borough as an authorized towing service or is removed from the towing list for a violation of this chapter. A list of approved towing services is listed in section 8-19 of this chapter.~~ Services shall be placed on the Borough’s towing list on a first-come first-served basis. Vacancies shall be filled in the same manner. Each towing service must submit their schedule of basic towing and storage rates with their registration application. The rates and fees for towing and storage of motor vehicles shall not exceed the rates set by this chapter.

b. The towing service owner or its authorized representative shall sign the registration application form indicating that the full requirements of this chapter have been met by the towing service applicant.

c. If any information provided by a towing service in its registration application changes, the towing service is responsible for notifying the police department of the change in the registration information within thirty (30) days of such change. Failure to comply with this provision will be deemed a violation of this chapter.

Section 8-5 Insurance.

a. No towing service shall operate within the Borough unless it carries liability insurance in the following amounts:

1. Garage Liability/Comprehensive General Liability insurance policy in an amount not less than One Million Dollars (\$1,000,000.00) combined single limit covering bodily injury and property damage liability, including but not limited to personal injury, products liability, independent contractor and completed operation coverage;
2. Garage Keepers Legal Liability insurance policy in an amount not less than One Hundred Thousand Dollars (\$100,000.00);
3. For heavy-duty towing and heavy-duty recovery vehicles, One Million Dollars (\$1,000,000.00) combined single limit with endorsement MSC-90;
4. Automobile Liability insurance policy in an amount not less than One Million Dollars (\$1,000,000.00) combined single limit covering bodily injury and property damage liability, including but not limited to owned, non-owned and hired vehicles;
5. Worker's Compensation insurance as required by law, including but not limited to statutory New Jersey Worker's Compensation Benefits and employer's liability coverage;
6. All policies shall provide an endorsement for collision coverage for motor vehicles and cargo towed by towing service vehicles; and
7. On all liability policies, the Borough of Hightstown shall be added as an additional insured, and insurance policies and/or certificates shall indicate such coverage as primary coverage notwithstanding any insurance carried by the Borough.

Section 8-6 Rates and Fees.

- a. Fees and rates for the towing, **roadside assistance** and storage of motor vehicles shall be established by resolution of the Mayor and Borough Council, which rates shall be based on the usual, customary and reasonable rates of operators towing and storing motor vehicles in the Borough.
- b. Fees and rates for the towing and storage of motor vehicles shall be reviewed by the Chief of Police on an annual basis, and shall be revised, if necessary, by resolution of the Mayor and Borough Council. The Chief of Police shall advise all towing services placed on the towing list of any such revisions.
- c. The fees and rates **shall be set in Section 8-18** of ~~by~~ this chapter, and any subsequent revisions thereto, shall be submitted to the Division of Consumer Affairs for review, and shall be made available to the public during normal business hours of the Borough.

Section 8-7 Rules and Regulations.

- a. All towing services placed on the towing list shall be available to respond to a call in accordance with the towing rotation schedule of on-call status established by the Chief of Police.
- b. All towing services shall respond to a call in any part of the Borough within twenty (20) minutes. If a towing service does not respond within twenty (20) minutes of a call, the towing service next on the list shall be called and entitled to provide services as needed, and the first towing service shall lose any claim to compensation.

c. All drivers and operators of towing vehicles shall be properly licensed to operate a motor vehicle within the State of New Jersey and are subject to driver's license checks by the Borough police department at the time of registration and at least on ~~an~~ **a bi-** annual basis thereafter. All towing vehicles shall be properly registered and inspected in accordance with any applicable law.

d. All vehicles must be towed in a safe manner.

e. All towing services shall be capable of providing reasonable roadside services to disabled vehicles such as, but not limited to, jump-starting, changing of flat tires, **vehicle lockouts** and providing fuel. Such services will only be performed if they can be done so safely, as determined by the police officer on the scene. **The fees charged for these services shall be in accordance with this chapter.**

f. All towing services shall make available a copy of its basic rates and a business card to all owners and operators of motor vehicles which will be towed.

g. All towing services shall keep accurate records of all motor vehicles towed and stored at the direction of the Borough police department. A copy of such records shall be provided to the Borough upon request.

h. Towing services shall not remove any motor vehicle which has been abandoned or involved in an accident in any public roadway without first notifying the Borough police department.

i. The police department shall not call a towing service to remove a vehicle from private property. The police department shall provide the property owner with all available information regarding the ownership of the motor vehicle on their property, and the property owner will then be responsible for making their own arrangements to remove the vehicle.

j. The towing service shall notify the police department of all vehicles found by the towing service to have been abandoned and not claimed within fourteen (14) days after being stored. The police department shall, upon notification, expeditiously process the vehicle in accordance with the New Jersey Motor Vehicle Code concerning abandoned and unclaimed motor vehicles.

k. Towing service shall be in compliance with the state affirmative action statues and rules.

l. Towing service must be in compliance with the Americans with Disabilities Act.

m. Towing service shall confirm that it is an independent contractor and does not represent or act for the Borough of Hightstown in any way.

n. All towing services authorized by the Borough of Hightstown must perform emergency roadside assistance when so requested by the Hightstown Police Department.

o. Nothing in this chapter shall preclude the right of a motorist or vehicle operator to summon a tow operator of his or her own choosing, pursuant to the provisions of 8-2.

p. The Borough of Hightstown shall not be liable for the cost of any services performed by the towing service unless those services are performed on borough vehicles.

Section 8-8 Towing List; Rotation.

a. A towing list will be kept with the Chief of Police. The towing list shall include all towing services which have registered with the Borough. A towing service shall be placed on the bottom of the towing list upon registration with the Borough. The towing list shall be a rotating list as provided in paragraphs b, c and d of this section.

b. When the need arises, the police department will call the towing service on the top of the list, which is on-call on the towing rotation schedule. The towing service called, if it shall perform any of the services covered by this chapter, shall be placed at the bottom of the towing list and not called again until all other on-call towing services on the towing list have been called.

c. If a towing service is unavailable to perform required services when called by the police department, for whatever reason, said towing service shall be charged with a call and placed at the bottom of the towing list, and the next available on-call towing service shall be called. The towing service that responds in its place shall remain at the top of the list.

d. If a towing service, after being dispatched, is recalled and does not perform any duties or services covered by this chapter, the towing service shall remain on the top of the towing list. However, if a towing service arrives at the scene of an incident in which its services are required and cannot perform said services, it shall lose its place on the towing list, and the next on-call towing service on the list shall be called.

Section 8-9 Storage Facilities.

a. All storage facilities operated or used by towing services shall meet all local zoning and code requirements, and must be located within five (5) miles of the geographic center of the Borough of Hightstown or within the Borough.

b. All towing services shall have an indoor storage facility at its disposal for motor vehicles which have been involved in criminal activity and impounded by the police department.

c. All storage facilities shall have a business office open to the public ~~between normal business hours at least five (5) days a week, excluding holidays.~~ **at least six (6) days in a calendar week and at least 40 hours in the week, excluding weeks that contain New Jersey State holidays. An employee is required to be at the storage yard during these hours, unless the employee is out on a towing assignment. The business hours of operation are to be posted in a conspicuous space.**

d. All outside storage facilities shall be secured and fully enclosed by a sturdy fence having a minimum height of six (6) feet, with a lockable gate for ingress and egress, and shall be lighted from dusk to dawn.

e. A towing service shall not charge a release fee or other charge for releasing motor vehicles to their owners after normal business hours or on weekends. **During all other hours and legal holidays, vehicle may be released at the sole discretion of the towing/storage facility.**

f. All towing services shall be responsible for ensuring the proper and safe storage of all motor vehicles towed pursuant to this chapter, and shall be liable for any damage incurred by such motor vehicles while in transit to or while stored in the storage facilities.

g. **All vehicles towed must be removed to an approved storage facility unless the owner or operator of the vehicle specifically requests that it be towed to another place and the police officer at the scene does not direct otherwise.**

h. **Storage begins at the date and time the vehicle is placed on the property of the towing service or storage facility and will be charged for each 24 hour period. Any vehicle released prior to 12 hours storage will be charged**

only half of the 24 hour rate.

Section 8-10. Towing Vehicle and Equipment Specifications; Cleanup at Scene.

a. All towing services engaged in light-duty towing shall have at least one (1) rollback truck and one (1) wrecker, with necessary brooms and equipment to do the complete removal. Each truck must have a manufacturer's capacity of at least ten thousand (10,000) pounds gross vehicle weight and a manufacturer's boom capacity of four (4) tons; one (1) heavy-duty wrecker with a manufacturer's capacity of not less than twenty-seven thousand (27,000) pounds gross vehicle weight and a boom capacity of not less than twenty-five thousand (25,000) pounds independently or twenty-four (24) tons jointly; two (2) power winches with pulling capacity of not less than twenty-five thousand pounds each; at least two hundred (200) feet of cable at least nine-sixteenths (9/16) of an inch diameter on each drum; double boom to permit splitting, or single boom hydraulically elevated and extendable with a 360-degree swivel on the end of the boom; air brakes so constructed as to lock rear wheels; heavy-duty under reach; two (2) snatch blocks with a twenty-five thousand (25,000) pound rating and two (2) scotch blocks.

b. All towing vehicles must have radio equipment with a 24-hour dispatch service or a cellular telephone for the purpose of maintaining communications with the police department radio desk.

c. All towing vehicles must be equipped with ~~amber beacons or strobe lights, and amber-colored safety tow lights or magnetic tow lights for towing vehicles at night, as permitted by the State of New Jersey. All tow vehicles must have at least one (1) five pound ABC-type fire extinguisher, safety chains, flares, jumper cables, shovel, pry bar, heavy-duty push broom and substances for application to small liquid spills, and stiff push brooms to clean up debris at the scene.~~

d. ~~Each tow operator, prior to departure from the scene of towing, shall clean and clear any customary or usual debris from the accident scene. Each tow operator shall also clean, clear, absorb or dilute any usual oil, gasoline or other motor vehicle fluid spill at the scene of the towing service. All materials disposed of by a tow operator shall be properly disposed of in accordance with the requirements of the New Jersey Department of Environmental Protection and the Federal Environmental Protection Agency. Nothing in this chapter shall prevent the Hightstown Police Department from summoning any other person, if an unusual or potentially dangerous situation occurs or it is otherwise necessary to do so. Such situations include, but are not limited to, accidents or breakdowns involving dangerous or potentially dangerous cargo, or spills of chemicals, solvents or other fluids.~~

~~e.~~ e. Proof of towing vehicle and equipment specifications shall be provided to the Borough with the registration application.

~~f.~~ f. All towing vehicles are to conform with all applicable State and Federal laws and shall be subject to inspection by Borough officials during normal business hours at the time of registration and on an annual basis thereafter.

Section 8-11 Rights of Owners/Operators of Motor Vehicles Required to be Towed.

a. If a motor vehicle operator or owner wishes to have his vehicle towed by a particular towing service, their request shall be honored, providing the police officer in charge at the scene has not already dispatched a towing service or the police officer has determined that the motor vehicle in question will not be removed in an expeditious or safe manner and will jeopardize the public safety, in which case the motor vehicle operator or owner shall be required to utilize a compensated dispatched towing service.

b. The owner or operator of any motor vehicle required to be towed or stored shall have the right to remove all personal items and effects from the motor vehicle unless the police department has placed a police hold on any such items.

c. The motor vehicle owner or his representative shall have the right to take photographs of any stored vehicle for insurance purposes.

d. Upon request of the motor vehicle owner or his representative, a towing service shall provide a detailed and itemized bill for all services rendered.

Section 8-12 Collection of Fees.

All towing services shall be responsible for collection of all fees for services rendered.

Section 8-13 Complaints; Violations; Hearings.

a. All violations of this chapter and all complaints by the public or police department against any towing service shall be forwarded to the Mayor and Borough Council.

b. The Mayor and Borough Council, in their discretion, shall determine if any complaint or violation against a towing service is of such a serious nature as to warrant a hearing and possible disciplinary measures. If the Mayor and Borough Council decide that a hearing is required, they shall, upon proper notice to all interested parties, conduct a hearing in which all parties may present evidence. If, after a hearing, the Mayor and Borough Council find that a towing service has violated any provision of this chapter, they may, depending on the seriousness of the offense:

1. Fine the violating party not more than one thousand dollars (\$1,000.00).

2. Suspend the violating party from the towing list for not more than three (3) months for a first offense; not more than six (6) months for a second offense; and permanently remove the violating party from the towing list for a third offense.

Section 8-14 Solicitation of Business.

A. No tow service may respond to the scene of an accident or emergency with the purpose of towing vehicles unless specifically called there by the police for a person involved in the accident or emergency. This section is intended to prohibit tow operators from soliciting business at the scene of accidents or emergencies and shall not be construed to prohibit any person from summoning a tow operator of his or her own choice in accordance with 8-2 of this chapter.

Section 8-15 Vehicles Involved in Suspected Crimes.

a. Tow operators shall comply with the directions of the police investigator in connection with vehicles involved in suspected crimes.

Section 8-16 Unethical Conduct Prohibited.

a. No reward, gratuity, gift or any type of remuneration shall be offered to any Hightstown Borough Police Officer, borough official or borough employee by any towing service or tow operator.

Section 8-17 Final Determination by Officer at Scene.

a. When a borough police officer is at the scene of an accident requiring towing service, said officer shall be responsible for making the final determination as to when towing shall take place. The officer shall not be limited to the tow list when it is clear that special towing equipment is required for large vehicles and/or public safety may be threatened by vehicles requiring removal.

Section 8-18 Towing, Storage and Roadside Assistance Rates and Fees. (For the purpose of setting towing and storage rates, vehicles shall be classified into four (4) categories):

- 1) Light-Duty (Class 1): Shall consist of all vehicles with a GVW of 10,000 pounds or less.
- 2) Medium-Duty (Class 2): Shall consist of all vehicles with a GVW between 10,000 and 16,000 pounds.
- 3) Heavy-Duty (Class 3): Shall consist of all vehicles with a GVW greater than 16,000 pounds.
- 4) Motorcycles: Shall consist of all types of motorcycle, dirt bikes, mopeds, ATV, Side by Side, off road utility vehicle, snowmobile, golf cart or any type of similar unlisted vehicle.

A. Towing fee rates:

Light Duty: \$150.00

Medium Duty: \$250.00

Heavy Duty: \$500.00

Heavy Duty with wheel lift required: \$550.00

Motorcycle: \$125.00

B. Winching rates:

Light Duty: \$50.00 per ½ hour

Medium Duty: \$50.00 per ½ hour

Heavy Duty: \$50.00 per ½ hour

Additional personal needed on scene: \$75.00 per hour.

C. Specialized equipment rates:

Crane service: \$450.00 per hours

Heavy-Duty Flatbed/Lowboy: \$350.00 per hour

D. Vehicle prep work needed to complete tow. (i.e. remove bumper, airlines, damaged vehicle parts, etc.)

Light/Medium/Heavy Duty: \$50.00 per ½ Hour

Additional personnel needed at scene to complete tow: \$75.00 per hour

Stand-by/wait time: \$60.00 per hour

E. Environmental Service:

Environmental Service: \$65.00 per hour

Additional absorbent: \$ 20.00 per bag

F. Roadside assistance rates: If road side assistance results in a tow, then the towing service may only charge the rate of the tow and not the rate of the roadside assistance or both)

Light-Duty: \$100.00

Medium-Duty: \$ 225.00

Heavy-Duty:\$450.00

G. Storage rates: (Any vehicle released prior to 12 hours storage will be charged only half of the 24 hour rate).

Light-Duty: \$45.00 per day

Medium-Duty: \$75.00 per day

Heavy-Duty: \$150.00 per day

Motorcycles: \$30.00 per day

H. Additional storage fees:

Administrative fee- Light-Duty: \$50.00

Administrative fee – Medium-Duty: \$ 100.00

Administrative fee - Heavy-Duty: \$ 100.00

Yard service fee- Light-Duty: \$45.00

Yard service fee- Medium-Duty: \$75.00

Yard service fee – Heavy-Duty: \$175.00

Wrapping/Trapping fee: \$ 75.00 per hour.

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 2019-56 Payment of Bills

Moved by Councilmember Stults; Seconded by Council President Misiura.

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

Resolution adopted 6-0.

Resolution 2019-56

*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 \$97,077.35 from the following accounts:

Current		\$72,304.37
W/S Operating		23,961.28
General Capital		191.70
Water/Sewer Capital		0.00
Grant		0.00
Trust		620.00
Housing Trust		0.00
Animal Control		0.00
Law Enforcement Trust		0.00
Housing Rehab Loans		0.00
Unemployment Trust		0.00
Escrow		<u>0.00</u>
Total		<u>\$97,077.35</u>

Resolution 2019-57 Authorizing the Execution of a Revised Shared Services Agreement with Robbinsville Township for Municipal Court Facilities

Moved by Councilmember Musing; Seconded by Councilmember Stults

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

Resolution adopted 6-0.

Resolution 2019-57

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

**AUTHORIZING THE EXECUTION OF A REVISED SHARED
SERVICES AGREEMENT WITH ROBBINSVILLE TOWNSHIP FOR
MUNICIPAL COURT FACILITIES**

WHEREAS, On December 17, 2018, with the adoption of Resolution 2018-241, the Mayor and Council of the Borough of Hightstown approved a continuation of a Shared Services Agreement with Robbinsville Township for Municipal Court Services at a monthly fee of \$6,000 for the period of January 1, 2019 – December 31, 2019; and

WHEREAS, On January 10, 2019, with the adoption of Resolution 2019-44, Robbinsville Township Council revised said agreement for the Shared Services Agreement for Municipal Court Services for a period of January 1, 2019 – August 31, 2019; and

WHEREAS, Robbinsville Township is now revising the Shared Services Agreement for Municipal Court Services for a period of January 1, 2019 – December 31, 2019 at a rate of \$6,000 per month.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Hightstown that the Mayor is hereby authorized to execute and the Municipal Clerk to attest the revised agreement on behalf of the Borough.

Resolution 2019-58 Authorizing the Execution an Agreement with the County of Mercer and the Township of East Windsor for the Mercer at Play Program Project Grant

Moved by Councilmember Bluth; Seconded Councilmember Stults.

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

Resolution adopted 6-0.

Resolution 2019-58

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

**AUTHORIZING THE EXECUTION AN AGREEMENT WITH THE
COUNTY OF MERCER AND THE TOWNSHIP OF EAST WINDSOR
FOR THE MERCER AT PLAY PROGRAM PROJECT GRANT**

WHEREAS, On November 5, 2018, with the adoption of Resolution 2018-202, the Mayor and Council of the Borough of Hightstown authorized a joint application with East Windsor Township for the Mercer at Play Round 2 Grant Program; and

WHEREAS, Mercer County has forwarded to Hightstown Borough, the Project Grant Agreement; and

WHEREAS, Mercer County is requesting Hightstown Borough to execute and attest to four (4) copies of said Agreement.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Hightstown that the Mayor is hereby authorized to execute and the Municipal Clerk to attest the Agreement on behalf of the Borough.

CONSENT AGENDA

Councilmember Bluth moved Resolutions 2019-59; 2019-60; 2019-61 and 2019-62 as a Consent Agenda; Councilmember Jackson seconded.

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

Resolutions adopted 6-0.

Resolution 2019-59

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

**RESOLUTION MAKING AND CONFIRMING APPOINTMENT FOR THE BOARD
OF HEALTH**

BE IT RESOLVED that the following appointments are hereby made and confirmed by the Mayor and Council of

the Borough of Hightstown:

Board of Health

Debra Napolitano Ux. 3 yrs. December 31, 2020

Resolution 2019-60

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

**ACCEPTING MEMBERSHIP OF JAIME OROCHENA IN
HIGHTSTOWN ENGINE CO. NO. 1**

WHEREAS, Jaime Orochena of East Hightstown, New Jersey has applied for membership in Hightstown Engine Company No. 1; and

WHEREAS Mr. Orochena has undergone and passed the required physical examination, and his membership application has been reviewed and approved by Fire Chief Scott Jenkins;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the membership of Jaime Orochena in Hightstown Engine Company No. 1 is hereby accepted.

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be forwarded to Hightstown Engine Co. #1.

Resolution 2019-61

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

RECOGNIZING NATIONAL POISON PREVENTION WEEK (MARCH 17-23, 2019)

WHEREAS, Congress designated the third full week in March to be National Poison Prevention Week (NPPW) in 1961 and since then this week has helped to raise national awareness of the dangers of potentially poisonous medicines, household chemicals, and other substances; and

WHEREAS, poisoning is a preventable illness! From the youngest to the oldest, all people and even pets are at risk; and

WHEREAS, poison centers across the country will focus the public's attention on identifying poisoning hazards at home as well as learning ways to prevent poisoning emergencies; and

WHEREAS, a poison is defined as anything that is taken in the wrong amount, in the wrong way or by the wrong person; and

WHEREAS, unintentional poisoning is the leading cause of unintentional injury death in New Jersey outnumbering deaths by motor vehicles and firearms; and

WHEREAS, drug overdose deaths including those from prescription and over-the-counter medications, as well as illegal drugs such as heroin and methamphetamines remain at epidemic proportions for both New Jersey and

the United States.; and

WHEREAS, in approximately 94% of unintentional poison death nationally and 96% in New Jersey, drugs are the poison; and

WHEREAS, although the majority of reported poison exposures involve children five (5) years old and younger; the majority of poisoning deaths occur in adults aged 20 to 59; and

WHEREAS, lead poisoning remains a major public health concern. Elevated blood lead levels can cause significant and permanent damage to the health and wellbeing of a young child. There is no safe level of lead. Stop a child's exposure to lead before it causes harm; and

WHEREAS, the New Jersey Poison Information and Education System (NJPIES), a division of the Department of Emergency Medicine of the New Jersey Medical School of Rutgers, The State University of New Jersey, provides expert advice, drug information, and poison prevention education to NJ residents through the 800-222-1222 Poison Help Hotline; and

WHEREAS, all services are free, confidential, multilingual and available 24 hours a day, 7 days a week, 365 days a year even during bouts of Mother Nature; and

WHEREAS, the public can contact a poison expert by calling (1-800-222-1222), chatting (www.njpies.org), or texting (8002221222@njpies.org); and

WHEREAS, consumers must be aware that e-cigarette devices, hookah pipes and liquid nicotine may contain very high doses of nicotine in enticing colors, aromas, and flavors – increasing the likelihood that small children and pets will focus their attention on them. These products pose serious risk of poisoning; and

WHEREAS, poison experts urge residents to use our services as a resource for poison and drug information instead of consulting the internet for information that may not be accurate; and

WHEREAS, we encourage all residents to program the Poison Help Line 800-222-1222 into home, office, and cell phones because a rapid response can make a difference in preventing serious injury and saving lives; and

WHEREAS, poison centers help to eliminate thousands of unnecessary and expensive emergency department visits by offering callers access to free, confidential medical advice; and

WHEREAS, NJPIES is also involved with the state's efforts in homeland defense, counter-terrorism, emergency preparedness and response, bio surveillance, and surveillance for clusters of poisonings and their sources (products, food and beverages, chemicals in the workplace and at home, environmental toxins, drugs and medicine, and animal and insect bites and stings);

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council, of the Borough of Hightstown do hereby recognize the week of March 17-23, 2019 as National Poison Prevention Week in New Jersey and encourages all citizens to pledge their commitment to ensuring the safety of themselves, their families, and their community.

Resolution 2019-62

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

PROCLAIMING MARCH 2019 AS AMERICAN RED CROSS MONTH

WHEREAS, More than 137 years ago, the American Red Cross was established as a humanitarian organization, guided by seven fundamental principles—including humanity, impartiality and independence—to

provide services to those in need regardless of race, religion, gender, sexual orientation or citizenship status. Today, the American Red Cross is one of the largest humanitarian organizations in the world, and delivers its mission every day to prevent and alleviate human suffering in the face of emergencies.

WHEREAS, Every year, the American Red Cross responds to an average of more than 62,000 disasters across the country, from small home fires to devastating massive disasters. Last year's large crises included mudslides in California, a volcano in Hawaii, wildfires in Colorado and California, destructive hurricanes in Florida and the Carolinas, and a devastating typhoon in U.S. territories. Thousands of American Red Cross volunteers provided around-the-clock shelter for disaster victims, served millions of meals and snacks with partners, and distributed millions of relief items.

WHEREAS, In New Jersey, the Red Cross has a long history of helping our neighbors in need. The Red Cross New Jersey Region assisted with 902 local disasters in the past year alone and helped save lives through our Home Fire Campaign. Since the campaign launched in October 2014, the New Jersey Region has worked with community partners to install more than 31,761 smoke alarms. Meanwhile, in our area, the Red Cross handles an average of 5,100 emergency military calls every year and collects an average of 95,000 units of blood from our generous blood donors.

WHEREAS, March is Red Cross Month, a special time to recognize and thank the Red Cross volunteers and donors who give of their time and resources to help members of the community. The Red Cross depends on these local heroes to deliver help and hope during a disaster. **We applaud our heroes here in New Jersey who give of themselves** to assist their neighbors when they need a helping hand.

WHEREAS, The American Red Cross shelters, feeds and provides emotional support to victims of disasters; supplies about 40 percent of the nation's blood; teaches skills that save lives; provides international humanitarian aid; and supports military members and their families.

WHEREAS, We dedicate the month of March to all those who support the American Red Cross mission to prevent and alleviate human suffering in the face of emergencies. Our community depends on the American Red Cross, which relies on volunteers and the generosity of the public to perform its mission

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council of Hightstown Borough, Mercer County, New Jersey do hereby proclaim March 2019 as American Red Cross Month and encourage all Americans to support this organization and its noble humanitarian mission.

PUBLIC COMMENT PERIOD II

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

Scott Caster, 12 Clover Lane – Reemphasized his comments from the February 19th meeting. Our tax rate is not competitive with our surrounding municipalities.

Frank Rivera, 110 Broad Street – Residents from Broad Street will be coming forward to Council regarding storm water management violations. Borough Administrator/Clerk Sopronyi stated that the Water Department and the Waste Water Treatment Plant are aware of the situation and are looking for alternatives for resident sump pump issues.

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

DISCUSSION

First Avenue and Forman Street Water Main Extension

Borough Administrator/Clerk Debra Sopronyi reviewed Borough Engineer, Carmela Robert's, letter dated March 1, 2019. Ms. Roberts recommended milling and paving Forman Street and Church Street after the watermain was complete. Ms. Sopronyi stated that she has spoken with CFO, George Lang, regarding the cost associated with this addition to the project. Mr. Lang informed her that there are enough funds in the bond ordinance to pave Forman Street and funds in a previous bond ordinance to pave Church Street. No additional funds will need to be appropriated for the change. After discussion, Council all agreed to have the Borough Engineer move forward with the change in the project.

SUBCOMMITTEE REPORTS

Streets & Sidewalks Committee

Councilmember Misiura stated that the planning assistance grant application is ready to go. Thanked Bev Asselstine for all of her work in getting this done. The walkability audit will be presented to Council. Asked if a Resolution could be down forming the Streets and Sidewalks as an official committee.

MAYOR/COUNCIL/ADMINISTRATIVE REPORTS

Councilmember Egan

The Board of Health Meets next week.

Councilmember Musing

HPC has not met since their reorg meeting.

Councilmember Stults

Read the February Police Report. Downtown Hightstown will be sponsoring the First Annual Taste of Hightstown March 17th – 23rd. Nine restaurants will be participating. Check Downtown Hightstown's Facebook page for more information. The Housing Authority will meet again in a few weeks.

Councilmember Bluth

Cultural Arts Commission Empty Bowls will be held March 23rd at the Peddie School from 5 p.m. – 8 p.m. Environmental Commission will be holding a shredding event on April 13, 2019 at Memorial Park from 10 a.m. – 2 p.m.

Councilmember Jackson

Parks and Rec will meet next Thursday. Fun Fridays will be moved to Association Park because of the bridge construction.

Council President Misiura

He will be meeting with the new First Aid Captain to see what they have planned. Planning Board did not meet because of the snow. Himself and Councilmember Stults will be meeting with PRC Group tomorrow for an update.

He and Councilmember Stults attended the Budget Training Seminar for Elected Officials last week at Mercer County College.

Mayor Quattrone asked Council to give their goals for 2019.

Councilmember Bluth stated that she would like to improve communication with residents by having an ENewsletter monthly or bi-monthly.

Councilmember Jackson stated that he would like to see Committee Chairs come before Council to talk about their committees.

Councilmember Stults stated that he would like to see more business density in downtown. Would like to see an RFP go out to redevelopers to see what they come up with for the Route 33 Corridor.

Councilmember Egan would like to see how other towns make themselves unique. Hightstown will be celebrating their 300th Anniversary in 2021 if a celebration is going to happen planning would need to begin soon.

Councilmember Musing stated that he would like to see an increase in rateables and increase in property values. Zoning changes will open up the town for businesses. He would like to see Hightstown more vibrant and to expand their commercial base.

Council President Misiura stated that he would making walkability a priority. Complete streets and sidewalks are all in the Master Plan and he would like to see this implemented along with environmentally friendly streetscape.

Mayor Quattrone stated that these are great goals from a great Council. Happy to see that the bridge will be completed this year. He would like to work with DOT to reduce truck traffic.

Borough Administrator/Clerk, Debra Sopronyi read the goals from various departments:

“Police Chief:

- 1) The establishment of a dedicated loading and unloading zone in the Stockton Street parking lot for vehicle making deliveries to downtown businesses to improve the flow of traffic and improve overall safety for both motorists and pedestrians.
- 2) Continue working with state and county officials to address engineering issues to improve pedestrian safety in the borough.
- 3) Continue working toward the completion of municipal/police facilities.

Water Dept:

1. Rug Mill Project
2. Complete the required Asset Management Plan
3. Continue to include water infrastructure updates in road projects

Construction/Inspections:

1. Finish the work to get approval for the proposed zoning map to create a more viable and beneficial zoning for Hightstown.
2. To work with and encourage the good developers to continue to invest in Hightstown.
3. Stress property maintenance to protect property value.”

Ms. Sopronyi stated that there will be a Vision Meeting on March 28, 2018 6:30 p.m. at the Firehouse. We are inviting boards and committees as well as the public to bring their needs forward for the new municipal facilities.

ADJOURNMENT

Councilmember Musing moved to adjourn at 9:06; Seconded by Councilmember Stults. All ayes.

Respectfully Submitted,

Margaret M. Riggio
Deputy Borough Clerk

RENTAL ASSISTANCE DEMONSTRATION (RAD)

FACT SHEET #1: RAD OVERVIEW

WHAT IS RAD?

The **Rental Assistance Demonstration (RAD)** is a program of the Department of Housing and Urban Development (HUD) that seeks to **preserve affordable housing**.

Public housing across the country needs more than \$26 billion in repairs and many public housing agencies (PHAs) do not have enough money to keep units in good condition. RAD provides PHAs a way to stabilize, rehabilitate, or replace properties.

HOW DOES RAD WORK?

RAD allows PHAs to convert a public housing property's HUD funding to either:

- **Section 8 project-based voucher (PBV); or**
- **Section 8 project-based rental assistance (PBRA).**

This conversion of funding to long-term Section 8 contracts lets PHAs make needed repairs while ensuring permanent affordability for these units.

Only 225,000 public housing units can convert funding through RAD. PHAs must submit applications to HUD to get approval to convert some or all of their public housing funding to PBV or PBRA contracts.

WILL RAD AFFECT MY HOUSING ASSISTANCE?

You will **not lose your housing assistance** because of RAD. Even though owners of a RAD property can use private money to make repairs, owners will still receive money from HUD and must follow HUD's PBV and PBRA rules.

FACT SHEETS FOR PUBLIC HOUSING RESIDENTS

This series of fact sheets is intended to help residents of public housing learn about RAD. All fact sheets are posted on RAD's website at www.hud.gov/rad, under the 'Residents' tab. This fact sheet provides a summary of the program with a focus on elements that affect residents.

WILL RAD AFFECT MY RENT?

Since Section 8 programs also set rents at 30% of income like in public housing, **most residents will not have rent increases** because of RAD.

However, if you are paying a flat rent in public housing, you will most likely have to pay more in rent over time. In these cases, your new rent will be phased in over a few years, meaning that you will only pay a little more each year.

HOW CAN I BE INVOLVED?

HUD encourages residents and their PHAs to work together during the RAD conversion process. Before PHAs can apply to participate in RAD, they must:

- Notify all residents at a property proposed for RAD conversion about their plans; and
- Conduct at least two meetings with residents.

During these meetings, you can **learn about the conversion plans, ask questions, express concerns, and provide comments**. The PHA must submit your comments and its response to them in the RAD application.

The PHA must have at least one more meeting with all residents of the property before HUD approves the conversion. This is another chance for you to ask questions and provide comments.

WILL I HAVE TO MOVE DURING CONSTRUCTION?

Some properties will not require any repairs or construction. In other cases, the repairs can be completed while you stay in your home. However, some apartments and buildings will require more work.

In these cases, you will be relocated and protected by RAD relocation rules. You will have the **right to return** to your development once construction is completed. You may not be permanently displaced without your consent.

If construction at your property takes longer, the PHA may offer you other housing options, such as another public housing unit or a **Housing Choice Voucher (HCV)** that you can use to rent another affordable unit in the private market.

Whether you choose to move temporarily or to move permanently to other housing, the PHA will help you find the best possible option and pay for your moving expenses.

WILL RAD AFFECT MY RIGHTS?

When the property converts, you will sign a new Section 8 lease. RAD keeps many of the resident processes and rights available under public housing, such as the ability to request a **grievance process** and the timelines for termination notification.

Residents will also have a **right to organize**. **Owners must provide \$25 per occupied unit** each year to support resident participation, \$15 of which must be provided to resident organizations.

WILL I STILL BE ABLE TO PARTICIPATE IN FSS AND ROSS?

You will be able to continue participating in the Family Self-Sufficiency (FSS) program. If your

DEFINITIONS

- **Housing Choice Voucher (HCV)** – Rental vouchers that let people choose their own housing in the private rental market.
- **Project-based Vouchers (PBV)** – Rental vouchers that are attached to specific units in a building. The voucher stays with the unit even after a tenant moves out.
- **Project-based Rental Assistance (PBRA)** – A rental assistance contracts that is tied to units in a specific building.

property converts assistance to PBV, you will be moved from the public housing FSS program to the HCV FSS program. The rules in both programs are very similar.

If your property converts assistance to PBRA, you may continue your participation in FSS until your current contract of participation ends. The owner may choose to establish a PBRA FSS program to admit new participants.

If you are currently participating in the Resident Opportunities and Self Sufficiency (ROSS) program, you can participate until all the program funding is used.

DOES RAD AFFECT WHERE I CAN CHOOSE TO LIVE?

Once the property has converted, residents of most properties will have a new “choice mobility” option, which will allow you to request a Housing Choice Voucher (HCV) that the household can use to select a rental unit in the private market:

- Under the PBV program, you can request an HCV after living in a RAD property for one year;
- Under the PBRA program, you may request an HCV after living in a RAD property for two years.

A resident is under no obligation to move from the RAD property or to request an HCV.

RENTAL ASSISTANCE DEMONSTRATION (RAD)

FACT SHEET #2: STEPS IN A RAD CONVERSION

WHAT IS RAD?

The **Rental Assistance Demonstration (RAD)** is a program of the Department of Housing and Urban Development (HUD) that seeks to **preserve affordable housing**.

Public housing across the country needs more than \$26 billion in repairs and many public housing agencies (PHAs) do not have enough money to keep units in good condition. RAD provides PHAs a way to stabilize, repair, or replace properties.

WHAT ARE THE STEPS IN A RAD CONVERSION?

A RAD conversion will typically take 6 to 18 months and will require multiple steps in engaging with residents, securing financing, and demonstrating to HUD that the property will be improved and remain in good physical condition. The major steps include:

1. PHA applies to HUD
2. HUD issues an initial approval through a "Commitment to enter into a Housing Assistance Payment" (CHAP)
3. PHA plans significant amendment
4. PHA completes and submits a financing plan to HUD
5. HUD issues a RAD conversion commitment
6. Closing/conversion

RAD APPLICATION

A PHA must first apply to HUD before it can begin a RAD conversion. Before submitting a RAD application to HUD, a PHA must have at least two meetings with residents of properties submitted for a conversion to discuss the proposed conversion plans and solicit feedback. Before the first

FACT SHEETS FOR PUBLIC HOUSING RESIDENTS

This series of fact sheets is intended to help residents of public housing learn about RAD. All fact sheets are posted on RAD's website at www.hud.gov/rad, under the 'Residents' tab. This fact sheet discusses the steps that your PHA must take in order to convert public housing assistance through RAD.

resident meeting, the PHA must provide a RAD Information Notice (called a RIN) to each resident that explains the residents' rights, provides basic program information, and facilitates residents' engagement with the PHA.

PHA PLAN SIGNIFICANT AMENDMENT

A RAD conversion is important enough that it must be documented in the PHA's annual or five-year plan.

If the RAD conversion isn't already described in the PHA plan, the PHA needs to prepare a **significant amendment to the PHA plan**. Any changes to a PHA plan must go through a public comment process, which includes a public meeting.

In addition to the information generally required in the PHA plan, your PHA must include the following information specific to its RAD conversion plans:

- A description of the number units to be converted, including bedroom size, and who lives in the units (families, elderly, or those with disabilities);
- Any change in the number of units;
- Any change in the bedrooms per unit;

- Any change in policies about who could move into the units when there are vacancies; and
- If the PHA will move any of the subsidized assistance to another site.

FINANCING PLAN

HUD will only allow a property to be converted if the PHA can show that the property will be improved and maintained in good condition once it has been converted. To show that your PHA's plans make sense, your PHA will have to submit its **Financing Plan** to HUD for approval before conversion. The **financing plan** includes the following information:

- Type of conversion (PBV or PBRA)
- **Physical Condition Assessment (PCA)**
- Plans for rehabilitation or new construction
- Environmental review
- Fair housing and relocation documents
- Development budget
- Development team
- Operating and maintenance costs

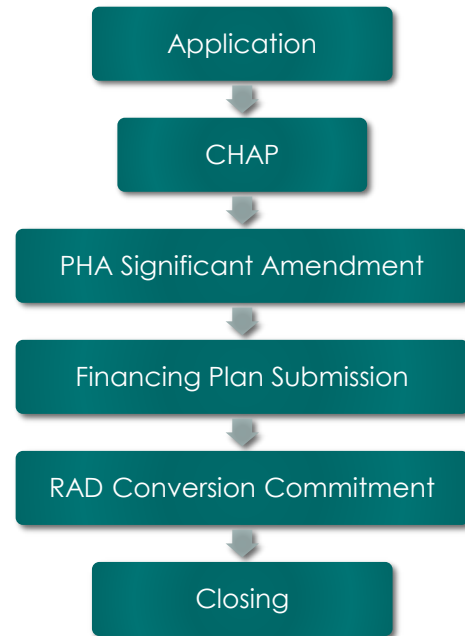
After HUD reviews and approves the financing plan, it will issue a **RAD Conversion Commitment (RCC)** to your PHA. Receiving an RCC means that HUD has approved your PHA's RAD plans and that the property is close to completing the conversion process.

CLOSING

After receiving an RCC, your property will move toward **Closing**. After closing, your property will no longer be part of the public housing program.

The new Section 8 PBRA or PBV **Housing Assistance Payment** contract and the **RAD Use Agreement** will become effective after closing. At this point, your property is now under the **PBRA** or **PBV** programs. Your PHA will have to work on any repairs needed at the property and make sure to complete them within required timelines.

BASIC STEPS IN A RAD CONVERSION



DEFINITIONS:

- **Closing** – The final step in a real estate transaction. In RAD, this is one of the final steps in the conversion process. After closing, a property is no longer public housing.
- **Commitment to Enter into a Housing Assistance Payments (CHAP)** – After HUD reviews a PHA's RAD application, HUD issues a CHAP. The CHAP allows PHAs to begin their RAD conversion process.
- **Financing Plan** – The plan that shows the PHA has all the money needed for repairs and construction, and is ready to convert.
- **Housing Assistance Payment Contract** – The agreement between your PHA and HUD that states the amount of subsidy payments provided by HUD to PBV and PBRA contracts.
- **Physical Condition Assessment** – A detailed physical inspection of a PHA property that will list the repairs that the PHA will need to make as part of the RAD conversion.
- **RAD Conversion Commitment** – Agreement between HUD and the PHA, following HUD approval of the financing plan, that describes the terms and conditions of the conversion.
- **RAD Use Agreement** – Document requiring that the RAD property be used for affordable housing.

Ordinance 2019-05

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

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 8, ENTITLED “TOWING AND STORAGE”, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN, NEW JERSEY

WHEREAS, the Chief of Police has recommended that certain changes be made to the Borough’s towing ordinance; and

WHEREAS, the Mayor and Council agree with said recommendation.

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

Section 1. Chapter 8, “Towing and Storage”, is hereby amended as follows (underline for additions, strikethroughs for deletions):

Section 8-1 Purpose.

To establish rules and regulations, pursuant to N.J.S.A. 40:48-2.49, et seq., for the towing and storage of motor vehicles from public roadways by operators engaged in the business of towing and storing motor vehicles.

Section 8-2 Applicability of Provisions

a. The provisions of this chapter shall apply only when a towing service on the tow list is responding to a call initiated by the Hightstown Police Department.

b. This chapter shall only apply to all motor vehicle towing and storage operations within the Borough of Hightstown, which occur at the initiation of the Hightstown Police Department. Nothing herein limits the right of the owner or operator of a motor vehicle to request or summon a tow operator of his or her own choosing or a tow operator from another municipality, unless a borough police officer at the scene determines that the tow service to be summoned cannot arrive at the scene within the limited time specified section 8-7 hereof, or does not have the proper equipment to clear the scene, pursuant to subsection 8-10 hereof, and the safety of persons and motorists may be jeopardized thereby.

Section 8-3 Definitions.

As used in this chapter:

BASIC TOWING SERVICE

Refers to the removal and transportation of an automobile from a highway, street or other public or private roadway, or a parking area, or from a storage facility, and other services incident thereto, but does not include recovery of an automobile from a position beyond the right-of-way or berm, or from being impaled upon any other object within the right-of-way or berm.

DOUBLE TOW

When any motor vehicle is brought from the original location to police headquarters for investigative purposes and upon completion, is moved from police headquarters to a final destination, the charge will be one and one half times the actual rate for one tow.

ROADSIDE ASSISTANCE CALLS

Basic roadside assistance calls such as tire changing, up to two gallons of fuel, vehicle lockouts or jumpstarting. Due to traffic patterns, roadway design and the inability to conduct quick roadside assistance, the Borough of Hightstown does not recognize roadside assistance for vehicles in excess of 16,000 GVW. Disabled vehicles in excess of 16,000 GVW must be towed from the roadway or any other vehicle deemed to be unsafe on the roadway. If the roadside assistance call results in a tow, then the vehicle operator will only be charged for the towing.

ENVIRONMENTAL CLEAN-UP

Removal and/or disposal of any fluids or debris left on the roadway or property as a result of a motor vehicle accident or recovery.

COMMERICAL MOTOR VEHICLE

Any motor vehicle with a GVW greater than 16,000 pounds which is not classified as an automobile

MOTOR VEHICLE

shall mean any vehicle propelled otherwise than by muscular power, including trailers and recreational campers, excepting such vehicles as run only upon rails or tracks and motorized bicycles.

STORAGE RATE

shall mean fees charged for the storage of motor vehicles.

TOW LIST

Shall mean a rotating list of all towing services registered with the Borough of Hightstown kept by the Borough Chief of Police.

TOW OPERATOR

A person engaged in the business of or offering the services of a tow vehicle or tow truck and storage services.

TOWING RATES

Shall mean fees charged by a towing service for removal and transportation of a motor vehicle.

TOWING SERVICE

Shall mean a business engaged in the towing and storing of motor vehicles which has been approved for the towing list.

TOWING VEHICLE

Shall mean a motor vehicle employed by a towing service for the purpose of towing, transporting, conveying or removing motor vehicles from public roadways.

WINCHING

An operation by which a vehicle is moved into the roadway from a position off the roadway or other operation in which substantial work is required to prepare a vehicle for normal towing (i.e. lifting, dragging, up righting a vehicle etc.).

Section 8-4 Towing Service Registration.

a. No towing service shall be placed upon the towing list for the towing or storing of motor vehicles within the Borough, unless the towing service shall first register with the Borough. In order to be placed upon the towing list for towing, a towing service must be located within five (5) miles of the geographic center of the Borough of Hightstown or within the Borough of Hightstown. Registration applications shall be made available by the Borough police department. A towing service that has met all the specifications and requirements of this chapter and has registered with the Borough shall be placed on the towing list by the Chief of Police; however, the maximum number of towing services on the Borough's towing list shall be up to (3) three ~~five (5)~~ such services. Currently the borough has (5) five towing services on its tow list. This number of approved towing services shall remain in effect, until such time that a currently approved towing company fails to re-register with the borough as an authorized towing service or is removed from the towing list for a violation of this chapter. A list of approved towing services is listed in section 8-19 of this chapter. Services shall be placed on the Borough's towing list on a first-come first-served basis. Vacancies shall be filled in the same manner. Each towing service must submit their schedule of basic towing and storage rates with their registration application. The rates and fees for towing and storage of motor vehicles shall not exceed the rates set by this chapter.

b. The towing service owner or its authorized representative shall sign the registration application form indicating that the full requirements of this chapter have been met by the towing service applicant.

c. If any information provided by a towing service in its registration application changes, the towing service is responsible for notifying the police department of the change in the registration information within thirty (30) days of such change. Failure to comply with this provision will be deemed a violation of this chapter.

Section 8-5 Insurance.

a. No towing service shall operate within the Borough unless it carries liability insurance in the following amounts:

1. Garage Liability/Comprehensive General Liability insurance policy in an amount not less than One Million Dollars (\$1,000,000.00) combined single limit covering bodily injury and property damage liability, including but not limited to personal injury, products liability, independent contractor and completed operation coverage;

2. Garage Keepers Legal Liability insurance policy in an amount not less than One Hundred Thousand Dollars (\$100,000.00);

3. For heavy-duty towing and heavy-duty recovery vehicles, One Million Dollars (\$1,000,000.00) combined single limit with endorsement MSC-90;

4. Automobile Liability insurance policy in an amount not less than One Million Dollars (\$1,000,000.00) combined single limit covering bodily injury and property damage liability, including but not limited to owned, non-owned and hired vehicles;

5. Worker's Compensation insurance as required by law, including but not limited to statutory New Jersey Worker's Compensation Benefits and employer's liability coverage;

6. All policies shall provide an endorsement for collision coverage for motor vehicles and cargo towed by towing service vehicles; and

7. On all liability policies, the Borough of Hightstown shall be added as an additional insured, and insurance policies and/or certificates shall indicate such coverage as primary coverage notwithstanding any insurance carried by the Borough.

Section 8-6 Rates and Fees.

a. Fees and rates for the towing, roadside assistance and storage of motor vehicles shall be established by resolution of the Mayor and Borough Council, which rates shall be based on the usual, customary and reasonable rates of operators towing and storing motor vehicles in the Borough.

b. Fees and rates for the towing and storage of motor vehicles shall be reviewed by the Chief of Police on an annual basis, and shall be revised, if necessary, by resolution of the Mayor and Borough Council. The Chief of Police shall advise all towing services placed on the towing list of any such revisions.

c. The fees and rates shall be set in Section 8-18 of ~~by~~ this chapter, and any subsequent revisions thereto, shall be submitted to the Division of Consumer Affairs for review, and shall be made available to the public during normal business hours of the Borough.

Section 8-7 Rules and Regulations.

a. All towing services placed on the towing list shall be available to respond to a call in accordance with the towing rotation schedule of on-call status established by the Chief of Police.

b. All towing services shall respond to a call in any part of the Borough within twenty (20) minutes. If a towing service does not respond within twenty (20) minutes of a call, the towing service next on the list shall be called and entitled to provide services as needed, and the first towing service shall lose any claim to compensation.

c. All drivers and operators of towing vehicles shall be properly licensed to operate a motor vehicle within the State of New Jersey and are subject to driver's license checks by the Borough police department at the time of registration and at least on a bi- annual basis thereafter. All towing vehicles shall be properly registered and inspected in accordance with any applicable law.

d. All vehicles must be towed in a safe manner.

e. All towing services shall be capable of providing reasonable roadside services to disabled vehicles such as, but not limited to, jump-starting, changing of flat tires, vehicle lockouts and providing fuel. Such services will only be performed if they can be done so safely, as determined by the police officer on the scene. The fees charged for these services shall be in accordance with this chapter.

f. All towing services shall make available a copy of its basic rates and a business card to all owners and operators of motor vehicles which will be towed.

g. All towing services shall keep accurate records of all motor vehicles towed and stored at the direction of the Borough police department. A copy of such records shall be provided to the Borough upon request.

h. Towing services shall not remove any motor vehicle which has been abandoned or involved in an accident in any public roadway without first notifying the Borough police department.

i. The police department shall not call a towing service to remove a vehicle from private property. The police department shall provide the property owner with all available information regarding the ownership of the motor

vehicle on their property, and the property owner will then be responsible for making their own arrangements to remove the vehicle.

j. The towing service shall notify the police department of all vehicles found by the towing service to have been abandoned and not claimed within fourteen (14) days after being stored. The police department shall, upon notification, expeditiously process the vehicle in accordance with the New Jersey Motor Vehicle Code concerning abandoned and unclaimed motor vehicles.

k. Towing service shall be in compliance with the state affirmative action statutes and rules.

l. Towing service must be in compliance with the Americans with Disabilities Act.

m. Towing service shall confirm that it is an independent contractor and does not represent or act for the Borough of Hightstown in any way.

n. All towing services authorized by the Borough of Hightstown must perform emergency roadside assistance when so requested by the Hightstown Police Department.

o. Nothing in this chapter shall preclude the right of a motorist or vehicle operator to summon a tow operator of his or her own choosing, pursuant to the provisions of 8-2.

p. The Borough of Hightstown shall not be liable for the cost of any services performed by the towing service unless those services are performed on borough vehicles.

Section 8-8 Towing List; Rotation.

a. A towing list will be kept with the Chief of Police. The towing list shall include all towing services which have registered with the Borough. A towing service shall be placed on the bottom of the towing list upon registration with the Borough. The towing list shall be a rotating list as provided in paragraphs b, c and d of this section.

b. When the need arises, the police department will call the towing service on the top of the list, which is on-call on the towing rotation schedule. The towing service called, if it shall perform any of the services covered by this chapter, shall be placed at the bottom of the towing list and not called again until all other on-call towing services on the towing list have been called.

c. If a towing service is unavailable to perform required services when called by the police department, for whatever reason, said towing service shall be charged with a call and placed at the bottom of the towing list, and the next available on-call towing service shall be called. The towing service that responds in its place shall remain at the top of the list.

d. If a towing service, after being dispatched, is recalled and does not perform any duties or services covered by this chapter, the towing service shall remain on the top of the towing list. However, if a towing service arrives at the scene of an incident in which its services are required and cannot perform said services, it shall lose its place on the towing list, and the next on-call towing service on the list shall be called.

Section 8-9 Storage Facilities.

a. All storage facilities operated or used by towing services shall meet all local zoning and code requirements, and must be located within five (5) miles of the geographic center of the Borough of Hightstown or within the Borough.

b. All towing services shall have an indoor storage facility at its disposal for motor vehicles which have been involved in criminal activity and impounded by the police department.

c. All storage facilities shall have a business office open to the public at least six (6) days in a calendar week and at least 40 hours in the week, excluding weeks that contain New Jersey State holidays. An employee is required to be at the storage yard during these hours, unless the employee is out on a towing assignment. The business hours of operation are to be posted in a conspicuous space.

d. All outside storage facilities shall be secured and fully enclosed by a sturdy fence having a minimum height of six (6) feet, with a lockable gate for ingress and egress, and shall be lighted from dusk to dawn.

e. A towing service shall not charge a release fee or other charge for releasing motor vehicles to their owners after normal business hours or on weekends. During all other hours and legal holidays, vehicle may be released at the sole discretion of the towing/storage facility.

f. All towing services shall be responsible for ensuring the proper and safe storage of all motor vehicles towed pursuant to this chapter, and shall be liable for any damage incurred by such motor vehicles while in transit to or while stored in the storage facilities.

g. All vehicles towed must be removed to an approved storage facility unless the owner or operator of the vehicle specifically requests that it be towed to another place and the police officer at the scene does not direct otherwise.

h. Storage begins at the date and time the vehicle is placed on the property of the towing service or storage facility and will be charged for each 24 hour period. Any vehicle released prior to 12 hours storage will be charged only half of the 24 hour rate.

Section 8-10. Towing Vehicle and Equipment Specifications; Cleanup at Scene.

a. All towing services engaged in light-duty towing shall have at least one (1) rollback truck and one (1) wrecker, with necessary brooms and equipment to do the complete removal. Each truck must have a manufacturer's capacity of at least ten thousand (10,000) pounds gross vehicle weight and a manufacturer's boom capacity of four (4) tons; one (1) heavy-duty wrecker with a manufacturer's capacity of not less than twenty-seven thousand (27,000) pounds gross vehicle weight and a boom capacity of not less than twenty-five thousand (25,000) pounds independently or twenty-four (24) tons jointly; two (2) power winches with pulling capacity of not less than twenty-five thousand pounds each; at least two hundred (200) feet of cable at least nine-sixteenths (9/16) of an inch diameter on each drum; double boom to permit splitting, or single boom hydraulically elevated and extendable with a 360-degree swivel on the end of the boom; air brakes so constructed as to lock rear wheels; heavy-duty under reach; two (2) snatch blocks with a twenty-five thousand (25,000) pound rating and two (2) scotch blocks.

b. All towing vehicles must have radio equipment with a 24-hour dispatch service or a cellular telephone for the purpose of maintaining communications with the police department radio desk.

c. All towing vehicles must be equipped with amber beacons or strobe lights, and amber-colored safety tow lights or magnetic tow lights for towing vehicles at night, as permitted by the State of New Jersey. All tow vehicles must have at least one (1) five pound ABC-type fire extinguisher, safety chains, flares, jumper cables, shovel, pry bar, heavy-duty push broom and substances for application to small liquid spills.

d. Each tow operator, prior to departure from the scene of towing, shall clean and clear any customary or usual debris from the accident scene. Each tow operator shall also clean, clear, absorb or dilute any usual oil, gasoline or other motor vehicle fluid spill at the scene of the towing service. All materials disposed of by a tow operator shall be properly disposed of in accordance with the requirements of the New Jersey Department of Environmental Protection

and the Federal Environmental Protection Agency. Nothing in this chapter shall prevent the Hightstown Police Department from summoning any other person, if an unusual or potentially dangerous situation occurs or it is otherwise necessary to do so. Such situations include, but are not limited to, accidents or breakdowns involving dangerous or potentially dangerous cargo, or spills of chemicals, solvents or other fluids.

e. Proof of towing vehicle and equipment specifications shall be provided to the Borough with the registration application.

f. All towing vehicles are to conform with all applicable State and Federal laws and shall be subject to inspection by Borough officials during normal business hours at the time of registration and on an annual basis thereafter.

Section 8-11 Rights of Owners/Operators of Motor Vehicles Required to be Towed.

a. If a motor vehicle operator or owner wishes to have his vehicle towed by a particular towing service, their request shall be honored, providing the police officer in charge at the scene has not already dispatched a towing service or the police officer has determined that the motor vehicle in question will not be removed in an expeditious or safe manner and will jeopardize the public safety, in which case the motor vehicle operator or owner shall be required to utilize a compensated dispatched towing service.

b. The owner or operator of any motor vehicle required to be towed or stored shall have the right to remove all personal items and effects from the motor vehicle unless the police department has placed a police hold on any such items.

c. The motor vehicle owner or his representative shall have the right to take photographs of any stored vehicle for insurance purposes.

d. Upon request of the motor vehicle owner or his representative, a towing service shall provide a detailed and itemized bill for all services rendered.

Section 8-12 Collection of Fees.

All towing services shall be responsible for collection of all fees for services rendered.

Section 8-13 Complaints; Violations; Hearings.

a. All violations of this chapter and all complaints by the public or police department against any towing service shall be forwarded to the Mayor and Borough Council.

b. The Mayor and Borough Council, in their discretion, shall determine if any complaint or violation against a towing service is of such a serious nature as to warrant a hearing and possible disciplinary measures. If the Mayor and Borough Council decide that a hearing is required, they shall, upon proper notice to all interested parties, conduct a hearing in which all parties may present evidence. If, after a hearing, the Mayor and Borough Council find that a towing service has violated any provision of this chapter, they may, depending on the seriousness of the offense:

1. Fine the violating party not more than one thousand dollars (\$1,000.00).

2. Suspend the violating party from the towing list for not more than three (3) months for a first offense; not more than six (6) months for a second offense; and permanently remove the violating party from the towing list for a third offense.

Section 8-14 Solicitation of Business.

A. No tow service may respond to the scene of an accident or emergency with the purpose of towing vehicles unless specifically called there by the police for a person involved in the accident or emergency. This section is intended to prohibit tow operators from soliciting business at the scene of accidents or emergencies and shall not be construed to prohibit any person from summoning a tow operator of his or her own choice in accordance with 8-2 of this chapter.

Section 8-15 Vehicles Involved in Suspected Crimes.

- a. Tow operators shall comply with the directions of the police investigator in connection with vehicles involved in suspected crimes.

Section 8-16 Unethical Conduct Prohibited.

- a. No reward, gratuity, gift or any type of remuneration shall be offered to any Hightstown Borough Police Officer, borough official or borough employee by any towing service or tow operator.

Section 8-17 Final Determination by Officer at Scene.

- a. When a borough police officer is at the scene of an accident requiring towing service, said officer shall be responsible for making the final determination as to when towing shall take place. The officer shall not be limited to the tow list when it is clear that special towing equipment is required for large vehicles and/or public safety may be threatened by vehicles requiring removal.

Section 8-18 Towing, Storage and Roadside Assistance Rates and Fees. (For the purpose of setting towing and storage rates, vehicles shall be classified into four (4) categories):

- 1) Light-Duty (Class 1): Shall consist of all vehicles with a GVW of 10,000 pounds or less.
- 2) Medium-Duty (Class 2): Shall consist of all vehicles with a GVW between 10,000 and 16,000 pounds.
- 3) Heavy-Duty (Class 3): Shall consist of all vehicles with a GVW greater than 16,000 pounds.
- 4) Motorcycles: Shall consist of all types of motorcycle, dirt bikes, mopeds, ATV, Side by Side, off road utility vehicle, snowmobile, golf cart or any type of similar unlisted vehicle.

A. Towing fee rates:

Light Duty: \$150.00

Medium Duty: \$250.00

Heavy Duty: \$500.00

Heavy Duty with wheel lift required: \$550.00

Motorcycle: \$125.00

B. Winching rates:

Light Duty: \$50.00 per ½ hour

Medium Duty: \$50.00 per ½ hour

Heavy Duty: \$50.00 per ½ hour

Additional personal needed on scene: \$75.00 per hour.

C. Specialized equipment rates:

Crane service: \$450.00 per hours

Heavy-Duty Flatbed/Lowboy: \$350.00 per hour

D. Vehicle prep work needed to complete tow. (i.e. remove bumper, airlines, damaged vehicle parts, etc.)

Light/Medium/Heavy Duty: \$50.00 per ½ Hour

Additional personnel needed at scene to complete tow: \$75.00 per hour

Stand-by/wait time: \$60.00 per hour

E. Environmental Service:

Environmental Service: \$65.00 per hour

Additional absorbent: \$ 20.00 per bag

F. Roadside assistance rates: If road side assistance results in a tow, then the towing service may only charge the rate of the tow and not the rate of the roadside assistance or both)

Light-Duty: \$100.00

Medium-Duty: \$ 225.00

Heavy-Duty:\$450.00

G. Storage rates: (Any vehicle released prior to 12 hours storage will be charged only half of the 24 hour rate).

Light-Duty: \$45.00 per day

Medium-Duty: \$75.00 per day

Heavy-Duty: \$150.00 per day

Motorcycles: \$30.00 per day

H. Additional storage fees:

Administrative fee- Light-Duty: \$50.00

Administrative fee – Medium-Duty: \$ 100.00

Administrative fee - Heavy-Duty: \$ 100.00

Yard service fee- Light-Duty: \$45.00

Yard service fee- Medium-Duty: \$75.00

Yard service fee – Heavy-Duty: \$175.00

Wrapping/Trapping fee: \$ 75.00 per hour.

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.

Introduction: March 4, 2019

Adoption:

ATTEST:

DEBRA L. SOPRONYI
MUNICIPAL CLERK

LAWRENCE D. QUATTRONE
MAYOR

Resolution 2019-64

*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 in the amount of \$8,543.17 from the following accounts:

Current	\$2,056.48
W/S Operating	5,350.19
General Capital	0.00
Water/Sewer Capital	0.00
Grant	0.00
Trust	0.00
Housing Trust	0.00
Animal Control	0.00
Law Enforcement Trust	0.00
Housing Rehab Loans	0.00
Unemployment Trust	0.00
Escrow	<u>1,136.50</u>
 Total	 <u><u>\$8,543.17</u></u>

CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on March 18, 2019.

Debra L. Sopronyi
Borough Clerk

March 14, 2019
04:10 PM

Borough of Hightstown
Bill List By P.O. Number

Page No: 1
047

P.O. Type: All	Include Project Line Items: Yes	Open: N	Paid: N	Void: N
Range: First to Last		Rcvd: Y	Held: Y	Aprv: N
Format: Detail without Line Item Notes		Bid: Y	State: Y	Other: Y Exempt: Y

PO #	PO Date	Vendor	Amount	Charge Account	Contract PO Type	Stat/Chk	First Rcvd	Chk/Void	Invoice
Item Description					Acct Type Description		Enc Date	Date	Date
18-00089	01/23/18	J0019 JCI JONES CHEMICALS, INC.			B				
10 INV. 777707 CHLORINE			534.00	8-09-55-501-001-526	B Chlorine	R	07/26/18	03/14/19	777707
18-01814	11/30/18	M0180 MCMASTER-CARR							
1 ITEM #3560T45 5/16" SHACKLE			13.96	8-09-55-501-002-503	B Sewer Plant Maintenance	R	11/30/18	03/14/19	82708045
2 SHIPPING			5.84	8-09-55-501-002-503	B Sewer Plant Maintenance	R	03/05/19	03/14/19	82708045
			19.80						
18-01929	12/14/18	NORTH005 NORTH AMER. PIPELINE SVCS, LLC							
1 8 HOUR DAY JET/VAC			1,450.00	8-09-55-501-002-537	B Sewer Main Cleaning & Testing	R	12/14/18	03/14/19	2477
18-01992	12/31/18	M0180 MCMASTER-CARR							
1 1" BALL VALVE FXF #33325K25			59.64	8-09-55-501-002-503	B Sewer Plant Maintenance	R	12/31/18	03/14/19	82708830
2 1" BALL VALVE F X M #33325K35			50.96	8-09-55-501-002-503	B Sewer Plant Maintenance	R	12/31/18	03/14/19	82708830
3 SHIPPING			7.20	8-09-55-501-002-503	B Sewer Plant Maintenance	R	03/05/19	03/14/19	82708830
			117.80						
19-00042	01/16/19	M0180 MCMASTER-CARR							
1 ITEM #5556K13 1 3/8" 1/2" THIC			73.44	9-09-55-501-002-503	B Sewer Plant Maintenance	R	01/16/19	03/14/19	84255186
2 ITEM #5556K717 1 3/8" 1" THICK			38.04	9-09-55-501-002-503	B Sewer Plant Maintenance	R	01/16/19	03/14/19	84255186
3 SHIPPING			14.17	9-09-55-501-002-503	B Sewer Plant Maintenance	R	01/22/19	03/14/19	84255186
4 ADDITIONAL ITEMS			86.14	9-09-55-501-002-503	B Sewer Plant Maintenance	R	03/05/19	03/14/19	84769912
5 CREDIT			81.03	9-09-55-501-002-503	B Sewer Plant Maintenance	R	03/05/19	03/14/19	84907158
			130.76						
19-00172	02/07/19	ROBER005 ROBERT M. DAVIES							
1 6 HOURS ELECTRICAL INSPECTIONS			240.00	9-01-33-195-002-041	B Conferences and Meetings	R	02/07/19	03/14/19	2/5 & 2/7/19
19-00241	02/21/19	00050 ONE CALL CONCEPT INC							
1 JAN 2019 MARK OUT REQUESTS			49.00	9-09-55-501-001-535	B Hydrants and Line Repair	R	02/21/19	03/14/19	9015086
2 NOV AND DEC 2018 ADJUSTMENT			3.85	9-09-55-501-001-535	B Hydrants and Line Repair	R	02/21/19	03/14/19	9015086
			52.85						
19-00242	02/21/19	S0039 SOUTH BRUNSWICK RECYCLING							
1 PURCHASE OF RECYCLED CONCRETE			60.00	9-09-55-501-001-535	B Hydrants and Line Repair	R	02/21/19	03/14/19	15026

March 14, 2019
04:10 PM

Borough of Hightstown
Bill List By P.O. Number

Page No: 2
048

PO #	PO Date	Vendor	Amount	Charge Account	Contract PO Type	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date	Invoice
Item Description					Acct Type Description					
19-00249	02/21/19	WIREL005 WIRELESS ELECTRONICS, INC.								
1	MONTHLY SVC CONTRACT FEB 2019		415.00	9-01-25-240-001-029	B Maint. Contracts - Other	R	02/21/19	03/14/19		M59106
19-00255	02/21/19	H0126 HIGHTS ELECTRIC MOTOR, INC.								
1	MEYERS SUMP PUMP WITH 20'		177.00	9-09-55-501-002-549	B MAXWELL AVE PUMPING STATION	R	02/21/19	03/14/19		0952999-IN
19-00257	02/22/19	DEFAL005 DEFALCO'S AUTO SERVICES, LLC								
1	MVA FLATBED - HPD VEHICLE 4		153.31	9-01-26-315-001-131	B Vehicle Maint. - Police	R	02/22/19	03/14/19		79867
19-00264	02/25/19	Q0176 EUROFINS QC, INC								
1	INV. 1966911 - WATER ANALYSIS		179.75	9-09-55-501-001-532	B Outside Testing/Labs	R	02/25/19	03/14/19		1966911
2	INV. 1967247 - WATER ANALYSIS		108.75	9-09-55-501-001-532	B Outside Testing/Labs	R	02/25/19	03/14/19		1967247
			288.50							
19-00266	02/25/19	M0714 GENSERVE, INC.								
1	INV. 0164573 - WATER PLANT		190.00	9-09-55-501-001-511	B Generator/Engine Maintenance (B)	R	02/25/19	03/14/19		0164573
2	INV. 0164572 - POLICE DEPT		190.00	9-01-26-310-001-040	B Generator-Municipal Bldg	R	02/25/19	03/14/19		0164572
			380.00							
19-00267	02/25/19	K0146 KOMLINE-SANDERSON								
1	12 PACK O'RING		29.16	9-09-55-501-002-503	B Sewer Plant Maintenance	R	02/25/19	03/14/19		42042219
2	SEAT CHECKS GASKETS & SCREWS		444.00	9-09-55-501-002-503	B Sewer Plant Maintenance	R	02/25/19	03/14/19		42042219
3	BALL HARD URETHAN 5 1/8		312.00	9-09-55-501-002-503	B Sewer Plant Maintenance	R	02/25/19	03/14/19		42042219
4	FREIGHT		38.46	9-09-55-501-002-503	B Sewer Plant Maintenance	R	03/07/19	03/14/19		42042219
			823.62							
19-00269	02/25/19	COUNT015 COUNTY OF MONMOUTH-								
1	INV. HTB 01-19-09		25.00	9-01-26-305-001-199	B Miscellaneous	R	02/25/19	03/14/19		HTB 01-19-09
19-00271	02/25/19	H0126 HIGHTS ELECTRIC MOTOR, INC.								
1	EATON STARTER WITH START/STOP		671.29	9-09-55-501-002-503	B Sewer Plant Maintenance	R	02/25/19	03/14/19		0953004-IN
19-00285	02/28/19	Q0176 EUROFINS QC, INC								
1	INV 1967570 - WATER ANALYSIS		108.75	9-09-55-501-001-532	B Outside Testing/Labs	R	02/28/19	03/14/19		1967570
2	INV. 1967771 - WATER ANALYSIS		215.00	9-09-55-501-001-532	B Outside Testing/Labs	R	02/28/19	03/14/19		1967771
3	INV. 1967796 - WATER ANALYSIS		475.00	9-09-55-501-001-532	B Outside Testing/Labs	R	02/28/19	03/14/19		1967796
			798.75							

March 14, 2019
04:10 PM

Borough of Hightstown
Bill List By P.O. Number

Page No: 3
049

PO #	PO Date	Vendor	Amount	Charge Account	Contract Acct Type	PO Type Description	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date	Invoice
19-00295	03/05/19	CLARK005 CLARKE CATON HINTZ									
1	Attend Jan Planning Bd. Mtg.		361.32	9-01-21-180-001-105	B	General Planning-Consulting	R	03/05/19	03/14/19		#74437
19-00296	03/05/19	R0077 ROBERTS ENGINEERING GRP LLC									
1	#2361, rev plans/fire recom.		590.00	2018-04	P	Senior Living Facility	R	03/05/19	03/14/19		#2361
19-00297	03/05/19	R0077 ROBERTS ENGINEERING GRP LLC									
1	application review		392.50	2019-01	P	133 WILLIAM STREET	R	03/05/19	03/14/19		#2362
19-00298	03/05/19	VENTU005 VENTURA, MIESOWITZ, KEOUGH &									
1	#21460, attend Jan. PB Mtg.		450.00	9-01-21-180-001-107	B	Planning Board - Attorney	R	03/05/19	03/14/19		#21460
19-00299	03/05/19	VENTU005 VENTURA, MIESOWITZ, KEOUGH &									
1	phone conversations re project		56.00	2018-03BON	P	121 MERCER STREET	R	03/05/19	03/14/19		#21473
19-00300	03/05/19	VENTU005 VENTURA, MIESOWITZ, KEOUGH &									
1	Review ltr and plan/K Pape		98.00	2018-04	P	Senior Living Facility	R	03/05/19	03/14/19		#21474
19-00302	03/07/19	COMCA005 COMCAST BUSINESS									
1	OAK LANE 8499052440157826 2/23		35.82	9-09-55-501-002-545	B	Internet Services	R	03/07/19	03/14/19		499052440157826
19-00304	03/07/19	COMCA005 COMCAST BUSINESS									
1	8499052430036659 3/24/19		221.85	9-01-20-140-001-060	B	Internet Services and Web Services	R	03/07/19	03/14/19		499052430036659
Total Purchase Orders:		25	Total P.O. Line Items:		40	Total List Amount:		8,543.17	Total Void Amount:		0.00

Totals by Year-Fund								
Fund Description	Fund	Budget Rcvd	Budget Held	Budget Total	Revenue Total	G/L Total	Project Total	Total
CURRENT FUND	8-09	2,121.60	0.00	2,121.60	0.00	0.00	0.00	2,121.60
	9-01	2,056.48	0.00	2,056.48	0.00	0.00	0.00	2,056.48
	9-09	3,228.59	0.00	3,228.59	0.00	0.00	0.00	3,228.59
	9-21	0.00	0.00	0.00	0.00	0.00	1,136.50	1,136.50
Year Total:		5,285.07	0.00	5,285.07	0.00	0.00	1,136.50	6,421.57
Total of All Funds:		7,406.67	0.00	7,406.67	0.00	0.00	1,136.50	8,543.17

Project Description	Project No.	Rcvd Total	Held Total	Project Total
121 MERCER STREET	2018-03BON	56.00	0.00	56.00
Senior Living Facility	2018-04	688.00	0.00	688.00
133 WILLIAM STREET	2019-01	392.50	0.00	392.50
Total of All Projects:		<u>1,136.50</u>	<u>0.00</u>	<u>1,136.50</u>

Resolution 2019-65

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

**RECOGNIZING NJ LOCAL GOVERNMENT WEEK, APRIL 7, 2019 –
APRIL 13, 2019, AND ENCOURAGING ALL CITIZENS TO SUPPORT
THE CELEBRATION AND CORRESPONDING ACTIVITIES.**

WHEREAS, local government is the government closest to most citizens, and the one with the most direct daily impact upon its residents; and

WHEREAS, local government provides services and programs that enhance the quality of life for residents, making their municipality their home; and

WHEREAS, local government is administered for and by its citizens, and is dependent upon public commitment to and understanding of its many responsibilities; and

WHEREAS, local government officials and employees share the responsibility to pass along the understanding of public services and their benefits; and

WHEREAS, NJ Local Government Week offers an important opportunity for elected officials and local government staff to spread the word to all citizens of New Jersey that they can shape and influence this branch of government; and

WHEREAS, the NJ State League of Municipalities and its member municipalities have joined together to teach citizens about municipal government through a variety of activities.

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

1. That Hightstown Borough encourages all citizens, local government officials, and employees to participate in events that recognize and celebrate NJ Local Government Week.
2. That Hightstown Borough encourages educational partnerships between local government and schools, as well as civic groups and other organizations.
3. That Hightstown Borough supports and encourages all New Jersey local governments to actively promote and sponsor NJ Local Government Week.

CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on March 18, 2019.

Debra L. Sopronyi
Borough Clerk

Resolution 2019-66

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

AUTHORIZING PAYMENT #1 – THE EARLE ASPHALT COMPANY (FIRST AVENUE AND FORMAN STREET WATER MAIN EXTENSION)

WHEREAS, on November 5, 2018, the Borough Council awarded a contract for the First Avenue and Forman Street Water Main Extension to Earle Asphalt Company of Farmingdale, New Jersey at the price of \$299, 113.13; and

WHEREAS, the contractor has submitted payment request #1 for partial payment through February 2019 for mobilization, site clearing, project video, and water main installation at First Avenue, Church Street and Forman Street in the total amount of \$111,390.78; and

WHEREAS, the Borough Engineer has recommended approval of payment #1 to Earle Asphalt Company in the amount of \$111, 390.78; 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 #1 to Earle Asphalt Company of Farmingdale, New Jersey in the amount of \$111,390.78, is hereby approved as detailed herein, and the CFO is authorized to issue same.

CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on March 18, 2019.

Debra L. Sopronyi
Borough Clerk



MEMORANDUM

TO: Mayor and Council
Borough of Hightstown

FROM: Carmela Roberts, P.E., C.M.E. *CR*
Borough Engineer

DATE: February 27, 2019

RE: First Avenue and Forman Street
Water Main Extension
Payment No. 1
Our File No.: H1675

Attached please find the following in reference to Payment No. 1 which is a partial payment through February 2019 for mobilization, site clearing, project video, and water main installation at First Avenue, Church Street, and Forman Street.

1. Payment No. 1.
2. Invoice No. 1.
3. Certified Payrolls.
4. Wage Rate Interview Forms.

I recommend payment be made to Earle Asphalt Company in the amount of \$111,390.78.

Should you have any questions, please do not hesitate to call.

cc: Debra Sopronyi, RMC, CMR, QPA, Borough Administrator/Clerk
Peggy Riggio, RMC, CMR, Borough Deputy Borough Clerk
Janice Mohr-Kminek, Borough Finance Department
George Lang, Borough CFO
Monika Pates, Borough Assistant Finance Officer
Ken Lewis, Borough Superintendent of Public Works
Mike Corsi, Earle Asphalt
Cameron Corini, PE, Roberts Engineering Group, LLC
Kelly Pham, Roberts Engineering Group, LLC

PAYMENT No. 1

First Avenue and Forman Street Water Main Extension

Borough of Hightstown, Mercer County, New Jersey

February 27, 2019

File No.: H1675

TOTAL WORK COMPLETED		\$113,664.06
LESS: RETAINAGE	2%	\$2,273.28
SUBTOTAL		\$111,390.78
LESS: PREVIOUS PAYMENTS		\$0.00
TOTAL AMOUNT DUE		\$111,390.78
AMOUNT OF ORIGINAL CONTRACT		\$299,113.13

Resolution 2019-67

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

AUTHORIZING PAYMENT #1 – 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 payment request #1 for partial payment through December 2018, for mobilization, site clearing, project video, storm sewer improvements, fire hydrant assembly installation, curbs, sidewalks and curb ramps in the total amount of \$99,925.50; and

WHEREAS, the Borough Engineer has recommended approval of payment #1 to S. Brothers, Inc. in the amount of \$99,925.50; 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 #1 to S. Brothers, Inc. of South River, New Jersey in the amount of \$99,925.50, is hereby approved as detailed herein, and the CFO is authorized to issue same.

CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on March 18, 2019.

Debra L. Sopronyi
Borough Clerk



1670 Whitehorse-Hamilton Square Rd.
Hamilton, New Jersey 08690
609-586-1141 fax 609-586-1143
www.RobertsEngineeringGroup.com

MEMORANDUM

TO: Mayor and Council
Borough of Hightstown

FROM: Carmela Roberts, P.E., C.M.E. *CR*
Borough Engineer

DATE: March 1, 2019

RE: Improvements to Sunset Avenue and Maple Avenue
Payment No. 1
Our File No.: H1748

Attached please find the following in reference to Payment No. 1 which is a partial payment through December 2018 for mobilization, site clearing, project video, storm sewer improvements, fire hydrant assembly installation, curbs, sidewalks, and curb ramps.

1. Payment No. 1
2. Invoice No. 1
3. Certified Payrolls.

I recommend payment be made to S. Brothers, Inc. in the amount of \$99,925.50.

Should you have any questions, please do not hesitate to call.

cc: Debra Sopronyi, RMC, CMR, QPA, Borough Administrator/Clerk
Peggy Riggio, RMC, CMR, Borough Deputy Borough Clerk
Janice Mohr-Kminek, Borough Finance Department
George Lang, Borough CFO
Monika Patel, Borough Assistant Finance Officer
P. Santos, S. Brothers, Inc.
Cameron Corini, PE, Roberts Engineering Group, LLC
Kelly Pham, Roberts Engineering Group, LLC



PAYMENT No. 1
IMPROVEMENTS TO SUNSET AVENUE AND MAPLE AVENUE
Borough of Hightstown, Mercer County, New Jersey
March 1, 2019
File No.: H1748

Item No.	Description	Contract Quantity	Units	Total As-Built Quantity	As-Built This Period	Unit Price	Total Cost
1	Mobilization	1.00	LS	0.25	0.25	\$12,800.00	\$3,200.00
2	Site Clearing	1.00	LS	0.25	0.25	\$56,000.00	\$14,000.00
3	Project Video	1.00	LS	1.00	1.00	\$1,200.00	\$1,200.00
4	Traffic Flaggers	60.00	HOURL	0.00	0.00	\$1.00	\$0.00
5	Drums	25.00	UNIT	0.00	0.00	\$1.00	\$0.00
6	Traffic Cones	25.00	UNIT	0.00	0.00	\$1.00	\$0.00
7	Breakaway Barricade	5.00	UNIT	0.00	0.00	\$1.00	\$0.00
8	Inlet Protection	21.00	UNIT	0.00	0.00	\$1.00	\$0.00
9	Test Holes	15.00	CY	15.00	15.00	\$1.00	\$15.00
10	Remove and Replace Sanitary Manhole Frame and Cover	9.00	UNIT	0.00	0.00	\$880.00	\$0.00
11	Fire Hydrant Assembly, Complete	1.00	UNIT	1.00	1.00	\$7,600.00	\$7,600.00
12	Remove and Replace Inlet Frame, Grate and Curb Piece with 4" Type 'N' Eco Curb Piece and Bicycle Safe Grate	1.00	UNIT	0.00	0.00	\$800.00	\$0.00
13	Remove and Replace Inlet Frame, Grate and Curb Piece with 6" Type 'N' Eco Curb Piece and Bicycle Safe Grate	8.00	UNIT	8.00	8.00	\$800.00	\$6,400.00
14	Remove and Replace Curb Piece with 6" Type 'N' Eco Curb Piece	2.00	UNIT	2.00	2.00	\$400.00	\$800.00
15	Remove and Replace Type 'A' Inlet Frame and Grate with Bicycle Safe Grate	2.00	UNIT	0.00	0.00	\$780.00	\$0.00
16	Construct Type 'B' Inlet with Frame, Bicycle Safe Grate and 6" Type 'N' Eco Curb Piece	2.00	UNIT	2.00	2.00	\$3,800.00	\$7,600.00
17	Construct Type 'A' Inlet with Bicycle Safe Grate	2.00	UNIT	2.00	2.00	\$3,600.00	\$7,200.00
18	Construct 24" x 24" Lawn Inlet	1.00	UNIT	1.00	1.00	\$1,500.00	\$1,500.00
19	Inlet Repair, If & Where Directed	5.00	UNIT	5.00	5.00	\$150.00	\$750.00
20	Connection to Existing Sump	3.00	UNIT	1.00	1.00	\$50.00	\$50.00
21	Connection to Existing Inlet	2.00	UNIT	2.00	2.00	\$100.00	\$200.00
22	24" Reinforced Concrete Pipe	10.00	LF	0.00	0.00	\$98.00	\$0.00
23	8" High Density Polyethylene Pipe	150.00	LF	150.00	150.00	\$49.00	\$7,350.00
24	6" Perforated High Density Polyethylene Pipe	141.00	LF	141.00	141.00	\$46.00	\$6,486.00
25	PVC Cleanout	3.00	UNIT	3.00	3.00	\$180.00	\$540.00
26	6"x8"x18" Concrete Vertical Curb	2,135.00	LF	1,154.50	1,154.50	\$27.00	\$31,171.50
27	Concrete Sidewalk, 4" Thick	19.00	SY	19.00	19.00	\$70.00	\$1,330.00
28	Detectable Warning Surface	4.00	SY	3.00	3.00	\$250.00	\$750.00
29	Compacted 3" Clean Stone, 6" Thick	15.00	SY	15.00	15.00	\$1.00	\$15.00
30	Reinforced Concrete Driveway Apron	245.00	SY	0.00	0.00	\$76.00	\$0.00
31	Bituminous Driveway Repair	184.00	SY	0.00	0.00	\$20.00	\$0.00
32	Stone Driveway Repair	9.00	SY	0.00	0.00	\$1.00	\$0.00
33	Full Depth Pavement Removal, 12" Depth	450.00	SY	0.00	0.00	\$1.00	\$0.00
34	Pavement Milling, 2" Depth	7,925.00	SY	0.00	0.00	\$3.25	\$0.00
35	Pavement Base Repairs	1,575.00	SY	0.00	0.00	\$20.00	\$0.00
36	HMA 9.5M64 Surface Course, 2" Thick	1,125.00	TON	0.00	0.00	\$85.00	\$0.00
37	HMA 9.5M64 Leveling Course, If & Where Directed	100.00	TON	0.00	0.00	\$60.00	\$0.00
38	HMA 19M64 Base Course, 4" Thick	120.00	TON	0.00	0.00	\$85.00	\$0.00
39	Tack Coat	838.00	GAL	0.00	0.00	\$1.00	\$0.00
40	Select Fill, If & Where Directed	50.00	CY	0.00	0.00	\$0.01	\$0.00
41	1-1/2" Clean Stone, If & Where Directed	50.00	CY	0.00	0.00	\$0.01	\$0.00
42	Dense Graded Aggregate, 6" Thick	550.00	SY	0.00	0.00	\$1.00	\$0.00
43	Street Sign	2.00	UNIT	0.00	0.00	\$680.00	\$0.00
44	36" x 36" Warning Sign	3.00	UNIT	0.00	0.00	\$150.00	\$0.00

[illegible]

Resolution 2019-68

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

AUTHORIZING PAYMENT #5 – WSP USA INC. (NJDOT SAFE ROUTES TO SCHOOLS – IMPROVEMENTS TO STOCKTON STREET & JOSEPH STREET)

WHEREAS, on November 7, 2016, the Borough Council awarded a contract for Preliminary Engineering and Final Design and Construction Support activities related to the Improvements to Stockton Street and Joseph Street in the Borough to Parsons Brinckerhoff, Inc., of Dallas, Texas at the price of \$103,819.36; and

WHEREAS, Since the time of award, Parsons Brinckerhoff has changed the company name to WSP USA Inc. and all future payments should be made accordingly; and

WHEREAS, the engineer has submitted payment request #5 for work completed on the project from September 2, 2017 – December 28, 2018 in the total amount of \$21,714.98; and

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

WHEREAS, this payment shall be contingent upon approval being provided by FHWA and NJDOT through the Safe Routes to School Design Assistance Program; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that Payment Request # to WSP USA, Inc., P.O. Box 732476, Dallas, Texas, 75373-2476, in the total amount of \$21,714.98 is hereby approved as detailed herein, and the CFO is authorized to issue same.

CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on March 18, 2019.

Debra L. Sopronyi
Borough Clerk

	Contract Amount As Of 11/07/16	Total Costs To Date Thru 12/28/18	Total Costs Prev. Billed Thru 09/01/17	Costs This Period As Of 12/28/18
Direct Labor	\$ 29,185.33	\$ 22,169.94	\$ 13,992.59	\$ 8,177.35
Overhead @ 154.12%	\$ 44,980.37	\$ 34,168.32	\$ 21,565.39	\$ 12,602.93
Fixed Fee	\$ 4,326.50	\$ 3,369.23	\$ 2,460.66	\$ 908.57
Subtotal	\$ 78,492.20	\$ 59,707.49	\$ 38,018.64	\$ 21,688.85
Direct Expenses	\$ 2,511.69	\$ 318.93	\$ 292.80	\$ 26.13
Subtotal	\$ 81,003.89	\$ 60,026.42	\$ 38,311.44	\$ 21,714.98
Subcontractors	\$ 14,428.11	\$ 11,203.19	\$ 11,203.19	\$ -
Total	\$ 95,432.00	\$ 71,229.61	\$ 49,514.63	\$ 21,714.98
Total Amount Due This Invoice:				\$21,714.98

Thomas Pagani
Project Manager

Resolution 2019-69

*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 \$334.50 for the completion of construction administration/construction inspection services and for preparation and coordination of project closeout documents from January 1, 2019 – January 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 \$334.50 to Van Cleef Engineering of Hamilton, New Jersey is hereby approved as detailed herein.

CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on March 18, 2019.

Debra L. Sopronyi
Borough Clerk

RECEIVED

FEB 22 2019

MUNICIPAL CLERK'S OFFICE




32 Brower Lane, PO Box 5877 • Hillsborough, NJ 08844 • 908.359.8291 • Fax: 908.359.1580 • www.vancleefengineering.com

Debra Sopronyi, Borough Clerk
Borough of Hightstown
156 Bank Street
Hightstown, NJ 08520

February 22, 2019

Invoice No: 1601HG - 17

Project Manager James Bash

PROJECT NAME:

Rehabilitation of East Ward Avenue
Hightstown Borough, Mercer County, NJ

Resolution 2016-78 and 2018-74

Professional Services from January 1, 2019 to January 31, 2019

1.] Completion of construction administration/construction inspection services in accordance with proposal dated March 2, 2016.

	Hours	Rate	Amount
Senior Project Manager	2.25	114.00	256.50
Total Labor			256.50
BILLING LIMITS	Current	Prior	To-Date
Total Billings	256.50	22,501.00	22,757.50
Limit			22,750.00
Adjustment			-7.50

2.] For preparation and coordination of project closeout documents in accordance with Resolution 2018-74 dated March 19, 2018.

	Hours	Rate	Amount
Senior Project Manager	.75	114.00	85.50
Total Labor			85.50
BILLING LIMITS	Current	Prior	To-Date
Total Billings	85.50	1,756.00	1,841.50
Limit			4,621.00
Remaining			2,779.50
TOTAL DUE THIS INVOICE			\$334.50

Please refer to our Invoice Number when remitting. Thank you.
TERMS: Due Upon Receipt

VCEA now accepts credit card payments through PayPal.
Please visit our website at www.vcea.org to pay this invoice through PayPal.
If you have any questions please call us at 908-359-8291

Resolution 2019-70

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

**AUTHORIZING PAYMENT - THE MUSIAL GROUP, P.A. (ARCHITECTURAL
AND CONTRACT ADMINISTRATION SERVICES FOR MUNICIPAL
FACILITIES LOCATED AT 230 MERCER STREET)**

WHEREAS, on January 22, 2019, the Borough Council awarded a contract for the Architectural and Contract Administration Services for Municipal Facilities Located at 230 Mercer street to the Musial Group, P.A., of Mountainside, New Jersey at the cost not to exceed \$40,000; and

WHEREAS, the architect has submitted a payment request for concept design work through March 2, 2019, in the total amount of \$2,000.00; 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 \$2,000.00, is hereby approved as detailed herein, and the CFO is authorized to issue same.

CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on March 18, 2019.

Debra L. Sopronyi
Borough Clerk

Invoice

THE MUSIAL GROUP, p.a.

architecture - planning - interior design

191 Mill Lane

Mountainside, New Jersey 07092

908.232.2860 ext. 241



065

RECEIVED

MAR 11 2019

MUNICIPAL CLERK'S OFFICE

March 7, 2019

Project No: 118719.00

Invoice No: 1

Borough of Hightstown

156 Bank Street

Hightstown NJ 08520

Attn.: Debra Sopronyi

Borough Clerk / Administrator

Project: 118719.00

MUNICIPAL BUILDING AND POLICE HEADQUARTERS

Professional services through March 02, 2019

Fee

Phase	Fee	Percent Complete	Earned
BASE BID: MUNICIAPL BUILDING			
CONCEPT DESIGN	10,500.00	9.5238	1,000.00
SCHEMATIC DESIGN	5,300.00	0.00	0.00
ALTERNATE #2 FEE: POLICE HEADQUARTERS			
CONCEPT DESIGN	13,600.00	7.353	1,000.00
SCHEMATIC DESIGN	10,600.00	0.00	0.00
Total Fee	40,000.00	Total Earned	2,000.00
		Previous Fee Billing	0.00
		Current Fee Billing	2,000.00
		Total Fee	2,000.00

Total this invoice \$2,000.00

Billings to date	Current	Prior	Total
Fee	2,000.00	0.00	2,000.00
Totals	2,000.00	0.00	2,000.00

Resolution 2019-71

*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 February 28, 2019, in the total amount of \$5,235.03; 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 \$5,235.03, is hereby approved as detailed herein, and the CFO is authorized to issue same.

CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on March 18, 2019.

Debra L. Sopronyi
Borough Clerk

Invoice

Remington & Vernick Engineers, Inc.

Attention: Finance Department

79 Grove Street

Haddonfield, NJ 08033

PLEASE REFERENCE INVOICE # ON REMITTANCE



Hightstown Borough
156 Bank Street
Hightstown, NJ 08520

December 11, 2018

Invoice No: 1104T001 - 1

Project Manager: Joseph Ragusa

Project Analyst: Stacy dos Santos

Division:

Invoice Total	\$382.96
----------------------	-----------------

Project Description:

Inspection and Contract Administration - Peddie Lake Dam Pedestrian Bridge.

Client Ref No.:

NJDOT #6504305

FHWA #TAP-C00S(917)

Resolution 2017-219

Professional Services through November 30, 2018

Phase 03 Meetings

Professional Personnel

		Hours	Rate	Amount
Project Manager/Engineer				
Lettieri, Michael	11/6/2018	2.00	95.74	191.48
Construction management of Peddie Lake Dam Pedestrian Bridge, prepared preconstruction agenda.				
Lettieri, Michael	11/29/2018	2.00	95.74	191.48
Created agenda for Hightstown pedestrian bridge.				
Totals		4.00		382.96
Total Labor				382.96
Phase subtotal				\$382.96
Total this invoice				<u>\$382.96</u>

Billings to Date

	Current	Prior	Total	Received
Labor	382.96	0.00	382.96	
Totals	382.96	0.00	382.96	0.00

Certified by:

 A handwritten signature in blue ink, appearing to read 'J. Ragusa', is written over a horizontal line.

Joseph Ragusa

For invoice inquiries please call 856.795.9595 and ask for the name of the Project Analyst in bold print located in the upper right hand corner of this invoice. Thank you.

Invoice

Remington & Vernick Engineers, Inc.

Attention: Finance Department

79 Grove Street

Haddonfield, NJ 08033

PLEASE REFERENCE INVOICE # ON REMITTANCE



Hightstown Borough

Attn: Ms. Janice Mohr-Kminek, Accounts Payable

156 Bank Street

Hightstown, NJ 08520

January 18, 2019

Invoice No: 1104T001 - 2

Project Manager: Joseph Ragusa

Project Analyst: **Stacy dos Santos**

Division:

Invoice Total	\$436.42
----------------------	-----------------

Project Description:

Inspection and Contract Administration - Peddie Lake Dam Pedestrian Bridge.

Client Ref No.:

NJDOT #6504305

FHWA #TAP-C00S(917)

Resolution 2017-219

Professional Services through December 31, 2018

Phase 02 Construction Administration

Professional Personnel

		Hours	Rate	Amount
Project Manager				
Ragusa, Joseph	12/3/2018	1.00	122.47	122.47
Prepare for precon with RE				
Ragusa, Joseph	12/10/2018	1.00	122.47	122.47
Coordinate precon with RE				
Totals		2.00		244.94
Total Labor				244.94
			Phase subtotal	\$244.94

Phase 03 Meetings

Professional Personnel

		Hours	Rate	Amount
Project Manager/Engineer				
Lettieri, Michael	12/31/2018	2.00	95.74	191.48
Organized Preconstruction meeting, reviewed plans and specification.				
Totals		2.00		191.48
Total Labor				191.48
			Phase subtotal	\$191.48
			Total this invoice	\$436.42

Billings to Date

	Current	Prior	Total	Received
Labor	436.42	382.96	819.38	
Totals	436.42	382.96	819.38	0.00

For invoice inquiries please call 856.795.9595 and ask for the name of the Project Analyst in bold print located in the upper right hand corner of this invoice. Thank you.

Project	1104T001	Peddie Lake Dam Pedestrian Bridge - CM/C	Invoice	2
---------	----------	--	---------	---

Certified by:

(Signature) for J. Ragusa
Joseph Ragusa

Invoice

Remington & Vernick Engineers, Inc.

Attention: Finance Department

79 Grove Street

Haddonfield, NJ 08033

PLEASE REFERENCE INVOICE # ON REMITTANCE



Hightstown Borough

Attn: Ms. Debra Sopronyi, RMC/QPA/CMR

Administrator/Borough Clerk

156 Bank Street

Hightstown, NJ 08520

February 15, 2019

Invoice No: 1104T001 - 3

Project Manager: Joseph Ragusa

Project Analyst: **Stacy dos Santos**

Division:

Invoice Total	\$191.70
----------------------	-----------------

Project Description:

Inspection and Contract Administration - Peddie Lake Dam Pedestrian Bridge.

Client Ref No.:

NJDOT #6504305

FHWA #TAP-C00S(917)

Resolution 2017-219

Professional Services through January 31, 2019

Phase 03 Meetings

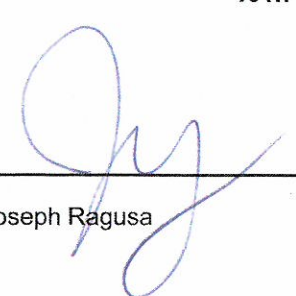
Professional Personnel

	Hours	Rate	Amount
Project Manager/Engineer			
Lettieri, Michael 1/30/2019	2.00	95.85	191.70
Peddie lake walking bridge construction management, organize preconstruction meeting and prepared letter to contractor.			
Totals	2.00		191.70
Total Labor			191.70
Phase subtotal			\$191.70
Total this invoice			\$191.70

Billings to Date

	Current	Prior	Total	Received
Labor	191.70	819.38	1,011.08	
Totals	191.70	819.38	1,011.08	819.38

Certified by:


 Joseph Ragusa

Invoice

Remington & Vernick Engineers, Inc.
Attention: Finance Department
79 Grove Street
Haddonfield, NJ 08033
PLEASE REFERENCE INVOICE # ON REMITTANCE



Hightstown Borough
 Attn: Ms. Debra Sopronyi, RMC/QPA/CMR
 Administrator/Borough Clerk
 156 Bank Street
 Hightstown, NJ 08520

March 08, 2019
 Invoice No: 1104T001 - 4
 Project Manager: Joseph Ragusa
 Project Analyst: **Stacy dos Santos**

Invoice Total \$4,223.95

Project Description:
 Inspection and Contract Administration - Peddie Lake Dam Pedestrian Bridge.

Client Ref No.:
 NJDOT #6504305
 FHWA #TAP-000S(917)
 Resolution 2017-219

Professional Services through February 28, 2019

Phase 01 Construction Inspection

Professional Personnel

		Hours	Rate	Amount
Project Manager/Engineer				
Lettieri, Michael	2/6/2019	4.00	95.85	383.40
Prepared for preconstruction meeting.				
Lettieri, Michael	2/8/2019	4.00	95.85	383.40
Prepared preconstruction meeting minutes.				
Lettieri, Michael	2/12/2019	4.00	95.85	383.40
Reviewed initial documents.				
Lettieri, Michael	2/14/2019	4.00	95.85	383.40
Reviewed initial documents.				
Lettieri, Michael	2/19/2019	2.00	95.85	191.70
Project management; Meeting Minutes distribution.				
Lettieri, Michael	2/28/2019	2.00	95.85	191.70
Project management; reviewed initial submittals with contractor.				
Totals		20.00		1,917.00
Total Labor				1,917.00
Phase subtotal				\$1,917.00

Phase 02 Construction Administration

Professional Personnel

		Hours	Rate	Amount
Engineering Department Head				
Ragusa, Joseph	2/7/2019	3.00	122.47	367.41
Preconstruction meeting. Walk site with RE and Inspector				
Ragusa, Joseph	2/8/2019	1.00	122.47	122.47
Follow up with NJDOT / Borough to prepare reimbursement package				

For invoice inquiries please call 856.795.9595 and ask for the name of the Project Analyst in bold print located in the upper right hand corner of this invoice. Thank you.

Project	1104T001	Peddie Lake Dam Pedestrian Bridge - CM/C			Invoice	4
Senior Engineering Technician (DUP)						
Chierici, Ethan		2/13/2019	2.00	66.56	133.12	
Project document review and setup preparation						
Contract Administrator						
Ott, Elisa		2/11/2019	.25	70.14	17.54	
file mgmt.						
Ott, Elisa		2/13/2019	2.00	70.14	140.28	
document preparation						
Totals			8.25		780.82	
Total Labor						780.82
Phase subtotal						\$780.82

Phase	03	Meetings				
Professional Personnel						
			Hours	Rate	Amount	
Project Manager/Engineer						
Lettieri, Michael		2/7/2019	4.00	95.85	383.40	
Preconstruction meeting.						
Senior Engineering Technician						
Boegly, James		2/19/2019	1.00	53.25	53.25	
meeting minutes						
Project Manager						
Marchese, Gregory		2/7/2019	3.00	93.72	281.16	
Precon meeting with NJDOT						
Totals			8.00		717.81	
Total Labor						717.81
Phase subtotal						\$717.81

Phase	07	Contract Payments				
Professional Personnel						
			Hours	Rate	Amount	
Senior Engineering Technician (DUP)						
Chierici, Ethan		2/20/2019	4.00	66.56	266.24	
Finalize payment and deliver						
Contract Administrator						
Valentine, Ronald		2/8/2019	2.00	110.58	221.16	
consultation with njdot						
Valentine, Ronald		2/19/2019	2.00	110.58	221.16	
consultation with borough/inspection						
Totals			8.00		708.56	
Total Labor						708.56
Phase subtotal						\$708.56

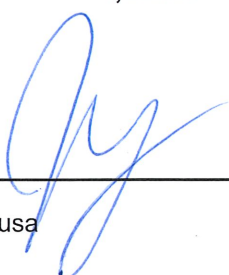
Phase	RE	Reimbursables				
Reimbursable Expenses						
Mileage					99.76	
Total Reimbursables					99.76	99.76
Phase subtotal						\$99.76

Project	1104T001	Peddie Lake Dam Pedestrian Bridge - CM/C	Invoice	4
Total this invoice			<u>\$4,223.95</u>	

Billings to Date

	Current	Prior	Total	Received
Labor	4,124.19	1,011.08	5,135.27	
Expense	99.76	0.00	99.76	
Totals	4,223.95	1,011.08	5,235.03	1,011.08

Certified by:



 Joseph Ragusa

Resolution 2019-72

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

**AUTHORIZING THE EXECUTION OF AN AMENDMENT TO AN
AGREEMENT WITH NEW JERSEY DEPARTMENT OF
TRANSPORTATION (NJDOT), AND THE HIGHTSTOWN BOROUGH
WATER TREATMENT PLANT FOR INTERSECTION RAMP AND SIGNAL
UPGRADES AND WATER SYSTEM IMPACTS**

WHEREAS, The NJDOT has forwarded to Hightstown Borough, the ADA Central Contract 2 amendment; and

WHEREAS, the purpose is to bring into ADA compliance Intersection Ramp and Signal Upgrades to Route 33 throughout the Central Region of the State; and

WHEREAS, NJDOT is requesting Hightstown Borough to execute and attest to three (3) copies of said agreement.

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

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

CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on March 18, 2019.

Debra L. Sopronyi
Borough Clerk

UECA MUNICIPAL AMENDMENT W/ or W/O STATE CONTRACTOR (NEW 2017)

[Contract Project Name, Section * NOTE: An agreement must exist for each Section of the Project and cannot be issued only at the beginning of a Project for all anticipated stages.]

[Location: Hightstown Borough, Mercer County]

[Hightstown Water Treatment Plant]

[UECA-22-ADA Central Contract 2-154180]

[Contract Billing No.]

[UPC Code]

[Contract ID No.: 17-12119]

[DUNS No. for Utility]

THIS AMENDMENT AGREEMENT made this _____ day of _____, between **COMMISSIONER of TRANSPORTATION**, acting for and in the name of the **STATE OF NEW JERSEY**, hereinafter called the "State", and the [Hightstown Water Treatment Plant], hereinafter called the "Utility".

WHEREAS, the State and Utility have already (Choose "executed" and give date of Agreement or Choose "agreed upon but not fully executed a Utility Agreement before July 1, 2017"; and

WHEREAS, the State has determined that federal financial assistance or grants have been or will be expended in the design and construction of this Project, and;

WHEREAS, as of July 1, 2017, 2 C.F.R. 200 and 2 C.F.R. 200, Appendix II are mandated to be part of any procurement based on federal financial assistance; and

WHEREAS, 2 C.F.R. 200 requires other federal regulations to be followed and adhered to in construction projects using federal financial assistance; and

WHEREAS, before entering into additional phases of the Utility's work, an amendment to the original agreement must be executed;

WHEREAS, the Utility is owned by { Hightstown Borough, Mercer County } and as such must follow the { Municipality's } procurement laws and policies;

NOW THEREFORE, State and Utility, for the mutual benefits to be obtained agree as follows:

UECA MUNICIPAL AMENDMENT W/ or W/O STATE CONTRACTOR(NEW 2017)

[Contract Project Name, Section * NOTE: An agreement must exist for each Section of the Project and cannot be issued only at the beginning of a Project for all anticipated stages.]

[Location: Hightstown Borough, Mercer County]

[Hightstown Water Treatment Plant]

[UECA-22-ADA Central Contract 2-154180]

[Contract Billing No.]

[UPC Code]

[Contract ID No.: 17-12119]

[DUNS No. for Utility]

GENERAL CONDITIONS

- (1) The previously executed agreement on {Insert Date} is attached hereto as Exhibit 11, also attached is the previously executed Buy America Modification dated [] at Exhibit 12. (NOTE: the reference to the Buy America Modification can be deleted if the Utility Agreement has the Buy America included.).

OR

The agreed upon but unexecuted agreement before July 1, 2017 is being executed simultaneous with this Amendment.

- (2) The previous Agreement is superceded to the extent that it conflicts with the Amendment, all non-conflicting provisions shall remain in full force and effect.

AMENDMENTS

- (3) This paragraph amends UECA NORM paragraph 10.

After receipt of the Utility's plans, estimates, and schedules, the State will develop a "Utility Agreement Modification". The Utility Agreement Modification, may include a Utility Agreement Plan, but it will set forth in

UECA MUNICIPAL AMENDMENT W/ or W/O STATE CONTRACTOR (NEW 2017)

[Contract Project Name, Section * NOTE: An agreement must exist for each Section of the Project and cannot be issued only at the beginning of a Project for all anticipated stages.]

[Location: Hightstown Borough, Mercer County]

[Hightstown Water Treatment Plant]

[UECA-22-ADA Central Contract 2-154180]

[Contract Billing No.]

[UPC Code]

[Contract ID No.: 17-12119]

[DUNS No. for Utility]

detail the proposed Scope of Work to be performed by the Utility, the anticipated schedules, estimates, project duration and benchmarks, and funding ceilings to accomplish the utility work in the Project by the Utility and/or its contractor to be reimbursed by the State. Separate Utility Agreement Modifications can be performed for the design work and the construction work if a Utility is contracting with firms outside of the Utility to consult with the State in the Preliminary Design process. If the construction is to be performed by the State's Contractor, the Utility Modification will indicate within the Scope of Work any duties of inspection or verification being retained by the Utility.

- (4) This paragraph amends UECA NORM paragraph 14.

State will request, by certified mail, the Utility to submit final invoices for costs incurred by the Utility upon: (a) completion of design; (b) completion of the utility work; or (c) cancellation of the Project. Final construction invoice shall be submitted along with the

UECA MUNICIPAL AMENDMENT W/ or W/O STATE CONTRACTOR (NEW 2017)

[Contract Project Name, Section * NOTE: An agreement must exist for each Section of the Project and cannot be issued only at the beginning of a Project for all anticipated stages.]

[Location: Hightstown Borough, Mercer County]

[Hightstown Water Treatment Plant]

[UECA-22-ADA Central Contract 2-154180]

[Contract Billing No.]

[UPC Code]

[Contract ID No.: 17-12119]

[DUNS No. for Utility]

Certificate of Compliance (DC17U). (Exhibit 1). All such invoices shall be submitted to the State monthly and the State shall not accept invoices for payment submitted after a sixty (60) day period. In no event will the State reimburse the Utility for costs not included in invoices submitted to the State after the sixty (60) days period following notice. In compliance with 2 C.F.R. 200.309, the Utility shall not charge to this Agreement costs incurred after the period of performance of the project.

- (5) This paragraph amends UECA NORM paragraph 15. All matters pertaining to subcontracted work, billing, estimates, survey control, extra work items, and inspection responsibility shall be in accordance with the Memorandum of Record dated January 10, 2013, entitled "Procedures Governing Estimation of Costs, Requirements During Construction and Billing the New Jersey Department of Transportation for Public Utility Work", and in accordance with the federal regulations at 23 C.F.R. Subpart A and 2 C.F.R. 200 Subpart E and with it being understood that

UECA MUNICIPAL AMENDMENT W/ or W/O STATE CONTRACTOR (NEW 2017)

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[Contract Billing No.]

[UPC Code]

[Contract ID No.: 17-12119]

[DUNS No. for Utility]

where the State's Regulations are in conflict with the Federal Regulations, the Federal Regulations shall govern. Disallowed costs are those charges determined to not be allowed in accordance with the applicable Federal cost principles or other conditions contained in this agreement. The matter of "Credit for Expired Service Life" has been considered for all items and where allowances apply, same are hereinafter specified in description of items and the cost summary.

- (6) This paragraph also amends UECA NORM paragraph 15.

The State, FHWA, or their agents, shall be entitled to perform an audit at the following times: during the performance of the work or during a period of up to three years after project close out. All accounts and records shall be kept in accordance with accounting system that meets the requirements of 2 C.F.R. 200.301-200.303 and 2 C.F.R. 200 Subpart F and will facilitate and effective audit in accordance with the Single Audit Act of 1984, as amended (31 U.S.C. §§ 7501-7507). All State audit

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[UECA-22-ADA Central Contract 2-154180]

[Contract Billing No.]

[UPC Code]

[Contract ID No.: 17-12119]

[DUNS No. for Utility]

procedures shall be in conformance with State Treasury Circular Letter 04-04-OMB Single Audit Policy for Receipts of Federal Grants, State Grants and State Aid; State Grant Compliance Supplement; and Treasury Circular 07-07-OMB; and New Jersey Treasury Circular OMB-15-08-OMB "Single Audit Policy for Subrecipients of Federal Grants, State Grants, and State Aid."

- (7) This paragraph also amends UECA NORM paragraph 15.

The Utility acknowledges that changes in payment due to the Utility resulting from audits performed by the State shall be made as follows:

- A. In the event of overpayment by the State, the Utility shall refund the amount of such overpayment within thirty days of the request by the State. In the event the Utility fails to comply with said request, the State is hereby authorized to deduct such overpayment from other monies due the Utility under the terms of this Agreement or any other agreement between the State and the Utility. Furthermore, the Utility expressly

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[UECA-22-ADA Central Contract 2-154180]

[Contract Billing No.]

[UPC Code]

[Contract ID No.: 17-12119]

[DUNS No. for Utility]

understands and agrees that the provisions of this section shall in no way be construed to relieve the Utility from any liability, or preclude the State from taking any other actions as are available to it under any other provisions of this Agreement or otherwise at law. The terms of this section shall survive the expiration or termination of the Agreement.

B. In the event of underpayment by the State, the State shall pay sufficient funds to the Utility to correct the underpayment as soon as is practicable.

C. The Utility shall include in the Final Invoice the following release clause:

"In consideration of the requested payment of this Final Invoice, the (Utility) hereby releases the State of New Jersey and the New Jersey Department of Transportation, their agents, officers and employees, from all claims and

UECA MUNICIPAL AMENDMENT W/ or W/O STATE CONTRACTOR (NEW 2017)

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[Hightstown Water Treatment Plant]

[UECA-22-ADA Central Contract 2-154180]

[Contract Billing No.]

[UPC Code]

[Contract ID No.: 17-12119]

[DUNS No. for Utility]

liabilities arising from work done or services performed under this Agreement."

- (8) This paragraph amends UECA NORM paragraph 15. Payment to the Utility for a Final Invoice does not waive either the right of the State to establish adjustments and to collect overpayments that are disclosed by audits performed subsequent to payment of the Final Invoice, or the right of the Utility to underpayments based upon adjustments disclosed by said audits.
- (9) This paragraph amends UECA NORM paragraph 15. Closeout Reports. The Utility shall submit a Project Closeout report no later than 90 days after the period of performance end date. The report will be in a form satisfactory to the State and shall, at a minimum, comply with the requirements of 2 C.F.R. 200.343 and allow the State to comply as well.
- (10) NEW PARAGRAPH. The State may, in its sole discretion terminate this agreement for cause or for convenience pursuant to the Standard Specification or if the State,

UECA MUNICIPAL AMENDMENT W/ or W/O STATE CONTRACTOR (NEW 2017)

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[Hightstown Water Treatment Plant]

[UECA-22-ADA Central Contract 2-154180]

[Contract Billing No.]

[UPC Code]

[Contract ID No.: 17-12119]

[DUNS No. for Utility]

USDOT or FHWA determined that termination of this Agreement is in the public interest.

PROCUREMENT REQUIREMENTS FOR UTILITY AND ITS SUBCONTRACTS

(11) As the Utility is wholly owned and operated by [Insert Municipality Name], all procurements shall abide by the expressed Federal, State, and local requirements dealing with conflicts of interest in procurement. Utility, if using Municipal personnel to perform in whole or in part this Agreement, shall follow all Federal, State, and local laws relating to discrimination against any employee or applicant for employment because of race, color, religion, sex, sexual orientation, gender identity, or national origin.

(12) If the Utility will be publicly bidding for contractors to perform the work contained in this Agreement and its Amendments and any Utility Agreement Modification, Utility shall exchange for review and approval all bid documents prior to advertisement for review and conformance with the Procurement requirements expressed herein. Bidding

UECA MUNICIPAL AMENDMENT W/ or W/O STATE CONTRACTOR(NEW 2017)

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[UECA-22-ADA Central Contract 2-154180]

[Contract Billing No.]

[UPC Code]

[Contract ID No.: 17-12119]

[DUNS No. for Utility]

procedures shall conform to the 2007 Standard Specification for Bridge and Road Construction and any Baseline Document Changes ("BDC") and Special Provisions as designated by the State, incorporated herein by reference. The State or FHWA shall have the authority to accept or reject the proposed documents for bidding on the basis of this Agreement and Amendment and the procedures of the Standard Specifications, Baseline Document Changes, and Special Provisions.

- (13) In order to be a recipient of federal financial assistance, the State must comply with all of the federal requirements, as applicable, to the type of work performed by the State, and in turn the Utility performing work on behalf of the State. This list is attached at Exhibit 2.
- (14) If the Utility is assisting in the preparation of plans and specifications during the engineering phases of the Project, the Utility is subject to these provisions in obtaining a subconsultant to perform the work.

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[Contract Billing No.]

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[Contract ID No.: 17-12119]

[DUNS No. for Utility]

include in any solicitation for bids, Requests for Proposals of work, or materials as negotiated:

"The Recipient (State), in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that for any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."

(19) Utility will comply with the parameters of 49 C.F.R. Part 26, Disadvantaged Business Enterprises Program, in its procurement of subcontractors and subconsultants to make all applicable good faith efforts. Requirements are set forth at Exhibit 3.

(20) If after the scope of work is determined and a Disadvantaged Business Enterprises goal ("DBE goal") is

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[UECA-22-ADA Central Contract 2-154180]

[Contract Billing No.]

[UPC Code]

[Contract ID No.: 17-12119]

[DUNS No. for Utility]

established by the State's DBE unit, the individual DBE goal shall be listed in the Utility Agreement Modification relating to the engineering or construction work for which the goal is being established. If it is determined that the DBE goal is 0%, the DBE goal shall still be listed in the Utility Agreement Modification.

- (21) State, as a requirement of receiving federal financial assistance, is obligated to require Utility to abide by and include in any contracts by the Utility with its subcontractors and subconsultants the attached Exhibit 4 and Exhibit 5.
- (22) Bonding and insurance requirements shall be set forth in the Utility Modification Agreement based on the type of Project, estimated costs, whether work is to be constructed by the Utility, and whether or not the Utility is self-insured.
- (23) After July 1, 2017, State became responsible to include every engineering and construction contract and its grants the requirements of 2 C.F.R. 200 and 2 C.F.R. 200, Appendix

UECA MUNICIPAL AMENDMENT W/ or W/O STATE CONTRACTOR(NEW 2017)

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[Hightstown Water Treatment Plant]

[UECA-22-ADA Central Contract 2-154180]

[Contract Billing No.]

[UPC Code]

[Contract ID No.: 17-12119]

[DUNS No. for Utility]

II. Utility shall be responsible for the compliance with these federal regulatory provisions and comply by following:

- A. Federal Mandatory Equal Opportunity Language on Federal Aid Project, Authority Subject to 41 C.F.R. Part 200 and 2 C.F.R. Part 200 Appendix II. (Exhibit 6).
- B. Federal Form 1273, Prevailing Wage (Exhibit 7) and Supplementary State Provisions at Exhibit 8.
- C. If any federal funds subject to 37 C.F.R. §401.2 are used to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that "funding agreement" the Utility must comply with the requirements of 37 C.F.R. part 401 "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts, and Cooperative Agreements," and any implementing regulations issued by the federal agency or State.
- D. In addition to the Debarment and Suspension requirements of the System for Award Management and the New Jersey List of Debarred Contractors as explained in Form 1273, Utility shall follow Exhibit 8.
- E. Byrd Anti-Lobbying Amendment (31 U.S.C. 1352) and requirements of submission of documents to State at Exhibit 9.
- F. If materials used in performance of this contract are listed on the Procurement of Recovered Materials at 2 C.F.R. 200.322, Utility shall comply with all requirements therein.

UECA MUNICIPAL AMENDMENT W/ or W/O STATE CONTRACTOR (NEW 2017)

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[Hightstown Water Treatment Plant]

[UECA-22-ADA Central Contract 2-154180]

[Contract Billing No.]

[UPC Code]

[Contract ID No.: 17-12119]

[DUNS No. for Utility]

(24) Utility shall also comply with the requirements of the State's receipt of federal financial assistances concerning:

- A. Drug Free Workplace (Exhibit 10)
- B. State of New Jersey Treasury Circular 07-05-OMB, Grant Agreements and Agency Contracts incorporated by reference herein. Any federal statutes or regulations that conflict with this circular shall control.
- C. Department of Transportation Code of Vendor Ethics

(25) The Utility shall recognize and agree that both the initial provision of funding and the continuation of such funding under the Agreement is expressly dependent upon the availability to the Department of funds appropriated by the State Legislature from State and/or Federal revenue or such other funding sources as may be applicable. A failure of the Department to make any payment under this Agreement or to observe and perform any condition on its part to be performed under the Agreement as a result of the failure of the Legislature to appropriate funds shall not in any manner constitute a breach of the Agreement by the Department or in event of default under the Agreement and

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the Department shall not be held liable for any breach of the Agreement because of the absence of available funding appropriations. In addition, future funding shall not be anticipated from the Department beyond the duration of the award period set forth in the Agreement/ Utility Modification Agreement in no event be construed as a commitment by the Department to expend funds beyond the termination date/Project completion date set in the Agreement/Utility Modification Agreement.

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[UECA-22-ADA Central Contract 2-154180]

[Contract Billing No.]

[UPC Code]

[Contract ID No.: 17-12119]

[DUNS No. for Utility]

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed the day and year first written above.

CERTIFICATION

I hereby certify that I am an authorized representative of the Utility and have all necessary authority to execute this Agreement and to bind the Utility to all obligations arising from this Agreement. I fully understand that the Department of Transportation will rely upon this certification in accepting my execution of this Agreement for the Utility.

ATTEST:

HIGHTSTOWN WATER TREATMENT PLANT

BY: _____

Name:

Title:

BY: _____

Name:

Title:

ATTEST:

STATE OF NEW JERSEY

DEPARTMENT OF

TRANSPORTATION

By: _____
Anika James
Department of Transportation
DATE:

BY: _____
Paul F. Schneider, Director
Capital Program Support

This aforementioned Agreement has
been reviewed and APPROVED AS TO FORM:

GURBIR S. GREWAL
ATTORNEY GENERAL OF NEW JERSEY

Recommended:

Robert Verner, Project Manager Team B

By: _____
Nonee Lee Wagner
Deputy Attorney General

DATE: _____

DATE: _____

Resolution 2019-73

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

APPOINTING PLUMBING SUBCODE OFFICIAL

WHEREAS, due to the resignation, effective February 28, 2019, of Joseph Graziano, as Plumbing Subcode Official, there will exist a vacancy in that office; and

WHEREAS, the Construction Official has recommended that Eric Muni be appointed to the position of Plumbing Subcode Official; and

WHEREAS, Mr. Muni is duly licensed by the New Jersey Department of Community Affairs to perform that function, holding State license #011261.

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

1. Eric Muni is hereby appointed as Plumbing Subcode Official for the Borough of Hightstown effective March 4, 2019
2. A certified copy of this Resolution shall be submitted to the State of New Jersey Department of Community Affairs.

CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on March 18, 2019.

Debra L. Sopronyi
Borough Clerk

Resolution 2019-74

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

AMENDING RESOLUTION 2018-203

WHEREAS, resolution 2018-203 authorized a Shared Services Agreement with Mercer County Regarding Emergency Telecommunication Services; and

WHEREAS, there was an error in the terms of the contract requiring a correction be made to said resolution; and

WHEREAS, the correct term of the contract is January 1, 2018 through December 31, 2022.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of Hightstown Borough that above the above contract term in resolution 2018-203 is hereby amended to read as noted herein and the Mayor and Borough Clerk are authorized to execute the corrected contract.

CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on March 18, 2019.

Debra L. Sopronyi
Borough Clerk

SHARED SERVICES AGREEMENT
between
MERCER COUNTY, NEW JERSEY
and
BOROUGH OF HIGHTSTOWN, NEW JERSEY

THIS AGREEMENT is made this _____ day of _____ 2018, by and between Hightstown Borough, New Jersey (hereinafter referred to as "The Municipality") and the County of Mercer, New Jersey (hereinafter referred to as "County"); and,

WHEREAS, pursuant to the authority of N.J.S.A. 40A:65-1 et. seq., the County and the Municipality have agreed to have the Mercer County Emergency Services Communications Center assist The Municipality in providing telecommunication services for the period of January 2018 thru December 2022 unless the County or Municipality notifies the other, by certified mail, of its intentions to terminate the Agreement with a notice of time at least sixty (60) days prior; and,

WHEREAS, it is understood that the parties are entering into this agreement in an effort to receive, without charge, transferred 9-1-1 calls, to assist in the dispatch of fire apparatus and provide operational communications for the fire service community in the Municipality as needed; and,

WHEREAS, in exchange for receiving the within services without charge, The Municipality agrees to indemnify and hold harmless the County for any liabilities which may arise out of using the services provided by the County's Emergency Services Communications Center; and,

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed the day and year aforesaid.

ATTEST:

COUNTY OF MERCER

JERLENE H. WORTHY, CLERK
BOARD OF CHOSEN FREEHOLDERS

BRIAN M. HUGHES
MERCER COUNTY EXECUTIVE

ATTEST:

BOROUGH OF HIGHTSTOWN

BOROUGH CLERK

MAYOR

Resolution 2019-75

BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY

AUTHORIZING A TRANSFER OF FUNDS IN THE 2018 BUDGET

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the following transfers in the 2018 budget are hereby authorized:

<u>Current:</u>	<u>From</u>	<u>To</u>
Legal		
Other Expenses	\$ 5,000.00	\$ -
Police		
Other Expenses	5,000.00	
Group Health Insurance		
Other Expenses	10,000.00	
Snow Removal		
Other Expenses	-	15,000.00
Engineer		
Other Expenses		5,000.00
TOTALS	\$ 20,000.00	\$ 20,000.00

CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on March 18, 2019

Debra L. Sopronyi
Borough Clerk

Memo

To: Hightstown Mayor and Council

From: Environmental Commission

Date: 26 October 2018

Re: Enhanced Tree Protection Ordinance

Introduction

Our trees are an enormous benefit to us: they produce oxygen, intercept airborne contaminants, reduce the overall carbon in our atmosphere, lower summer temperatures by reducing the heat island effect, mitigate runoff, provide an environment for wildlife, and generally support good health for our residents. For these reasons, and many more, the Environmental Commission has pledged as part of the Sustainable Jersey program to increase our tree canopy (the overall area of the tree coverage expressed as a percentage of the overall land area) from 19% to 25%. This 25% target is what the New Jersey Division of Parks and Forestry suggests should be the canopy goal for densely developed suburban areas like Hightstown. To achieve this goal by 2030, we must increase the number of trees in the Borough by almost 1/3 - a goal that we cannot achieve without consideration for all of the trees in the Borough, including those on private land. More than 70% of the trees in the Borough are on private land.

Proposal

We have already undertaken a multi-pronged approach to addressing our tree resource on public land through the replacement of removed trees, dedicated tree planting programs, and support for full street tree renewal as part of all street reconstruction projects. To date more than a dozen trees have been donated by residents and ten more have been pledged to be planted. But even with these measures, in combination with the trees we plant from our budget, we are barely keeping up with the trees we lose naturally each year.

Revised Tree Protection Ordinance

To address the tree resource on private land the Environmental Commission is now proposing enhancements to our Tree Protection Ordinance to require permitting and replacement for trees removed for convenience by private landowners. We believe that this strategy, in concert with our public land policies and the volunteer planting program already undertaken here in the Borough, will support an expanded tree canopy in Hightstown by limiting removals, and increasing the number of replacement trees.

We believe the requirements of the enhanced Tree Protection ordinance will not pose any undue hardship for Borough residents. Similar programs are already underway in nearby municipalities such as East Windsor, Cranbury, Princeton, Millstone, Monroe, Robbinsville, Hopewell, North Brunswick and Manalapan. Costs for tree replacements are very limited: do-it-yourselfers will spend less than \$100 per replacement tree, while the long term rewards are substantial.

We are submitting in concert with this proposal a redlined version of the Protection of Trees ordinance (Chapter 20) that we recommend be reviewed and codified by the Borough's attorney to support the program we are recommending. We recommend that the Council identify a sub-committee, led by Councilperson Montferrat and including key members of the Environmental

Commission and others as designated to work with Council and its attorney to develop the enhanced ordinance for final acceptance in the 4th quarter of 2019.

Summary of Ordinance Revisions

Most of the added clauses and requirements are based upon the Township of Milburn's ordinance, which is very well written. Additional original language was added to coordinate with remaining portions of the Borough's ordinance or to address specific Borough preferences.

Among the enhancements and changes from the current ordinance are:

- Identification and protection of significant (at least 75 years old) and historic trees in the Borough (whether on public or private land).
- Integration of the Community Forestry Management Plan (CFMP) that the EC has already submitted and the State has already approved. The CFMP should already have been written into the ordinance some time ago. (The CFMP is submitted every 5 years and when approved by the State, provides the Borough with tort protection relative to damages that might be caused by trees).
- Permitting for the removal of trees of 8" diameter or more. Smaller trees are not impacted and can be removed by homeowners without permit. Fees for the permit are \$50 for the first tree, and \$20 for additional trees.
- Permitting requirements are very limited. Permit is not required for dead trees, trees damaged by weather or natural causes (so-called dangerous trees), any tree included as part of a Planning Board submission, and any tree on public land or right-of-way.
- Removed trees would be replaced according to a schedule. To support the overall goal of enhancing the tree canopy, large mature trees would be replaced by multiple smaller trees, the larger the removed tree, the greater the number of replacement trees. At no time would more than 4 replacement trees be required. Note that these replacement trees could be planted on public land if the landowner could not find a suitable location on her/his own land.

Attachment: Redlined version of proposed Protection of Trees ordinance (Chapter 20)

Hightstown Borough Revised General Ordinances

Chapter 20

PROTECTION OF TREES

Sections:

20-1	TITLE
<u>20-2</u>	<u>References</u>
20-32	DEFINITIONS
20-3	DUTIES OF ENVIRONMENTAL COMMISSION
20-4	SHADE TREE OFFICIAL
20-5	PERMITS
20-6	REMOVAL, REPLANTING AND REPLACEMENT
20-7	PRUNING <u>AND TREE MAINTENANCE</u>
20-8	ABUSE OR MUTILATION OF PUBLIC TREES
20-9	INTERFERENCE WITH OFFICIALS UNLAWFUL
20-10	PROTECTION DURING CONSTRUCTION OR EXCAVATION
20-11	OBSTRUCTING NUTRIENTS FROM PUBLIC TREES UNLAWFUL
20-12	VIOLATIONS AND PENALTIES

Hightstown Borough Revised General Ordinances

Section 20-1

TITLE

Subsections:

20-1-1 Title

20-1-2 Purpose

20-1-3 References

20-1-1 Title.

~~Subsection 20-1-1 Title.~~

This chapter shall be known and may be cited as the "Tree Regulations of the Borough of Hightstown, County of Mercer, State of New Jersey." (1991 Code § 207-1)

Subsection 20-1-2 Purpose.

- a. Introduction. Indiscriminate, uncontrolled and excess destruction, removal and cutting of trees upon lots and tracts of land within the Borough of Hightstown will cause increased drainage control costs, increased soil erosion and sedimentation, decreased fertility of the soil, degradation of water resources, decreased groundwater recharge, increased buildup of atmospheric carbon dioxide, the establishment of a heat island effect and increased dust and pollution. The singular or cumulative effect of any of the foregoing could adversely impact the character of the Borough of Hightstown, decrease property values, render the land unfit and unsuitable for its most appropriate use, and negatively affect the health, safety and general welfare of Hightstown's residents. Thus, the Borough governing body desires to manage this valuable Borough resource.
- b. Purpose of Forestry Management Plan. Trees are declared to be an important cultural, ecological, scenic and economic resource. Proper management of this resource will ensure its maintenance and result in economic returns. A forestry management program is intended to meet the objectives of preserving, protecting, enhancing and maintaining trees and providing opportunities for the continued use of forest resources which are compatible with the maintenance of the environment. This will be accomplished by ensuring management of forest and trees through the application of sound management practices. To that end, it shall be unlawful to cut down, damage, poison or in any other manner destroy or cause to be destroyed any trees covered by this chapter, except in accordance with the provisions of this chapter.
- c. Enforcement. The creation and enforcement of this plan shall be the duty of the Environmental Commission and The Shade Tree Official.

Subsection 20-3 References.

The following are identified as defining good practice with respect to tree care, management and maintenance.

- a. American National Standards, ANSI A300.
- b. Trees and Development: A Technical Guide to Preservation of Trees During Land Development, Nelda Mathany and James R. Clarke.

Hightstown Borough Revised General Ordinances

c. Penn State Guide to Tree Preservation During Construction

Hightstown Borough Revised General Ordinances

Section 20-2

DEFINITIONS

Subsections:

20-2-1 Definitions.

Subsection 20-2-1 Definitions.

a. For the purpose of this chapter, the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular and words in the singular include the plural. The word "shall" is mandatory and not merely directory.

b. As used in this chapter:

Borough shall mean the Borough of Hightstown, County of Mercer, State of New Jersey.

Environmental commission shall mean the body having jurisdiction over public park and/or street trees.

Park shall include all public parks having individual names.

Person shall mean any person, firm, partnership, association, corporation, company or organization of any kind.

Property line shall mean the outer edge of a street right-of-way.

Property owner shall mean the person owning such property as shown by the Tax Map of the Borough.

Public places shall include all other grounds owned by the Borough.

Public trees shall include all shade and ornamental trees now or hereafter growing on any tree lawn or any public areas where otherwise indicated.

Shade tree official shall mean the designated official assigned to carry out the enforcement of this chapter.

Street or highway shall mean the entire width of every public way or right-of-way when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular and pedestrian traffic.

Tree lawn shall mean that part of a street or highway, not covered by sidewalk or other paving, lying between the property line and that portion of the street or highway usually used for vehicular traffic.

Truck thoroughfare shall mean any street on which trucks are not prohibited. (1991 Code § 207-2)

Caliper: a type of diameter measurement used in the nursery industry. The height measurement shall be taken from ground level for field-grown stock and from the soil line for container-grown stock, which should be at or near the top of the root flare. Caliper measurement of the trunk shall be taken six inches above the top of root flare up to and including four-inch caliper size. If the caliper at six inches above the ground exceeds four inches, the caliper should be measured at 12 inches above the top of root flare. Seldom are tree trunks perfectly round. The most accurate measurement will result from the use of a diameter tape. Caliper measurements taken with manual or electronic slot or pincer type caliper tools should be the average of the smallest and largest measurements.

i. The diameter of a tree shall be measured four (4') feet above the uphill/highest side

Dripline: the circular area surrounding a tree, the radius of which area shall be the distance from the center of the trunk of the tree to the outermost branch of the tree.

Enforcement Officer shall mean the Shade Tree Official or his/her duly authorized representative(s).

The detachment and movement of soil or rock fragments by water, ice, wind and gravity.

Hightstown Borough Revised General Ordinances

Historic Tree: A tree that has been determined to be at least 75 years old and of notable historic interest to The Borough of Hightstown because of its age, type, size or historic association and which has been so designated by The Borough Environmental Commission.

Significant Tree: A tree of at least 75 years old, in good condition, of specimen quality (size, shape and habit) for its species, and located within the Borough on public or private land. A tree identified as a Significant Tree as included on a list maintained by the Environmental Commission

Tree Service Contractor. An insured service-provider, skilled in tree maintenance, under contract with a Borough property owner and authorized to do tree work in the Borough of Hightstown.

Hightstown Borough Revised General Ordinances

Section 20-3

DUTIES OF ENVIRONMENTAL COMMISSION

Subsections:

20-3-1 Duties of Environmental Commission.

Subsection 20-3-1 Duties of Environmental Commission.

The Environmental commission shall have the authority and responsibility to:

- a. Study the problems and determine the needs of the Borough in connection with its tree planting program.
- b. Recommend to the proper authority the type and kind of trees to be planted upon municipal streets or parts of municipal streets or in parks.
- c. Organize and disseminate news and information regarding the selection, planting and maintenance of trees within the corporate limits, whether the same are on private or public property, and make recommendations from time to time to the Borough Council as to desirable legislation concerning the tree program and activities for the municipality.
- d. Hold regular and special meetings at which the subject of trees insofar as it relates to the municipality may be discussed by the members of the Commission and all others interested in the tree program.
- e. Promulgate the rules and regulations of the Arboricultural Specifications and Standards of Practice governing the planting, maintenance, removal, fertilization, pruning and bracing of trees on the streets or other public sites in the municipality and direct, regulate and control the planting, maintenance and removal of all trees growing now or hereafter in any public area of the Borough.
- f. Formulate, adopt and amend a ~~Master Street Tree Plan~~Community Forestry Management Plan. ~~The Master Street Tree Plan shall specify appropriate species of the trees to be planted on the streets or other public sites of the municipality. From and after the effective date of the Master Street Tree Plan or any amendment thereof, all planting shall conform thereto and offer said Plan for approval to the State.~~
- g. Consider all existing and future utility and environmental factors when recommending a specific species for each of the streets and other public sites of the municipality.
- h. Affix reasonable conditions to the granting of a permit in accordance with the terms of this chapter. (1991 Code § 207-3)

Hightstown Borough Revised General Ordinances

Section 20-4

SHADE TREE OFFICIAL

Subsections:

20-4-1 Appointment; Vacancies.**20-4-2 Duties of Shade Tree Official.****Subsection 20-4-1 Appointment; Vacancies.**

a. The Shade Tree Official shall be appointed from the membership of the Environmental Commission by the Mayor with the concurrence of the Borough Council. Prior to making the appointment, the Mayor shall receive the recommendation of the Environmental Commission.

b. If the position of Shade Tree Official remains vacant for any reason for more than one (1) month, the Environmental Commission may designate a qualified person to perform the duties of the Shade Tree Official on a temporary basis and until such time as an appointment to the position may be made. (1991 Code § 207-4)

Subsection 20-4-2 Duties of Shade Tree Official.

The Shade Tree Official shall have the authority and responsibility to:

a. Regulate the planting, maintenance and removal of trees on streets and other publicly owned property to ensure safety or preserve the aesthetics of such public sites.

b. ~~Inspect~~ Review all work done under a permit issued in accordance with the terms of this chapter.

c. Enforce the provisions of this chapter. (1991 Code § 207-5)

Hightstown Borough Revised General Ordinances

Section 20-5

PERMITS

Subsections:

20-5-1	Permit Required.
20-5-2	<u>Application, Permit Review and Approval</u>
20-5-3 20-5-3	Issuance of Permit, Fees
20-5-4	<u>Trees on Construction Sites</u>
20-5-5	<u>Notice to Adjacent Owners</u>
20-5-6	<u>Appeals</u>
20-5-7	<u>Exceptions</u>
20-5-8	<u>Display of Permit</u>

Subsection 20-5-1 Permit Required.

Except as required by other sections, clauses or provisions of this chapter, no person shall plant, spray, fertilize, preserve, prune, remove, cut above or below ground or otherwise disturb any tree on any public street or Borough-owned property without first filing an application and procuring a permit from the Environmental Commission. The person receiving the permit shall abide by the Arboricultural Specifications and Standards of Practice adopted by the Environmental Commission. (1991 Code § 207-6)

Any person desiring to remove any tree or trees of not less than 8 inch caliper and not located on public land, or to place machinery, material or temporary soil deposit or regrade soil within the dripline of any tree within the Borough shall file an application therefor with the Borough on a form to be provided for the purpose. The application shall identify the lot or tract of land upon which the tree or trees are located; shall disclose the name and address of the owner and the Tree Service Contractor; shall set forth the reasons for requesting a permit to cut or remove same; and shall acknowledge who owns the tree or trees and shall indemnify and hold the Township harmless against any and all liability, damages and costs resulting from or arising out of the applicant's cutting or removal of any tree or trees. The applicant shall attach to the application a survey or other document satisfactory to the Enforcement Officer which accurately sets forth the location of the tree or trees and evidence of the ownership thereof.

Subsection 20-5-2 Permit Review and Approval.

The Enforcement Officer shall review the application, which shall upon filing be deemed to constitute consent from the applicant to the Enforcement Officer and/or such person or persons as he/she may in writing designate for entry upon the land for the purpose of review of conditions. In reviewing any such application the Enforcement Officer may in his/her discretion consult the Environmental Commission, the Borough staff, and such tree experts as might be desired. Except as otherwise hereinafter provided in paragraph D. within twenty (20) business days excluding Saturdays, Sundays and legal holidays from the filing of an application hereunder, the Enforcement Officer shall endorse his/her decision upon the application, and in case of partial or complete disapproval, shall set forth the basis for such decision. In addition, where appropriate, the Enforcement Officer shall indicate on such application guidelines and preventive measures to be taken to preserve from injury or destruction trees not sought to

Hightstown Borough Revised General Ordinances

be cut or removed. Among the conditions which the Enforcement Officer may impose on a permit are the requirement of a performance bond in the amount of the value of the trees to be preserved as appraised by a New Jersey certified tree expert, which bond shall be released upon issuance of a Certificate of Occupancy, and the requirement of replanting trees or shrubs if trees which provide buffer, reduce soil erosion, or serve other purposes consistent with the provisions of Section 11-1, are to be removed. Any application approved, in whole or in part, shall automatically become a permit in accordance with the terms of the endorsement. Any permit not acted upon within three (3) months from the date of such approval shall automatically expire.

Subsection 20-5-3 Fees.

Fees shall not be charged to an applicant with respect to a tract of land having a single or two-family dwelling occupied by the owner thereof located thereon. Except as provided in the previous sentence, each applicant for a permit under this Chapter shall make a nonrefundable deposit with the Enforcement Officer of a fee of fifty dollars (\$50.00) for the first tree removal permit, and a fee of twenty dollars (\$20.00) for each additional tree removal permit. A separate Tree Removal Permit shall be required for each tree. All removed trees must be replaced in accordance with the Table below.

Subsection 20-5-4 Trees on Construction Sites

Upon the filing of any application for the cutting or removal of trees located on any lot or tract for which an application for a Building Permit or subdivision or site plan review is required to be submitted to the Construction Code Official, the Borough Planning Board or the Board of Adjustment, the applicant shall furnish the Enforcement Officer with a copy of the Building Permit application or subdivision plat or site plan therefor, and the Enforcement Officer may withhold his/her endorsement pending receipt of written notice of official action with respect to such Building Permit, subdivision plat or site plan application. Within twenty (20) business days, excluding Saturdays, Sundays and legal holidays, of the receipt of such notice, the Enforcement Officer shall act upon the application as provided in the preceding paragraph C.

Subsection 20-5-5 Notice to Adjacent Owners

The applicant shall give notice to owners of real property within twenty (20') feet of a tree which is proposed to be removed by permit. Such notice shall be given by personal service or certified mail, return receipt requested, at least ten (10) days prior to any proposed cutting or removal of a tree. All required fees and bonds for any application, shall be paid and /or a copy provided to the Borough prior to the issuance of the tree removal permit.

Subsection 20-5-6 Appeals.

Any person aggrieved by the decision of the Enforcement Officer shall have the right to appeal such decision to the Borough Council. Such appeal shall be by written notice stating the reasons upon which the appeal is based, filed with the Borough Clerk within ten (10) days of the decision of the Enforcement Officer.

Subsection 20-5-7 Exceptions.

Hightstown Borough Revised General Ordinances

A permit is not required and tree replacement is not necessary under the following conditions:

Any tree located on publicly owned land or public rights-of-way and removed by the public agency or its representatives.

Dead or diseased trees upon certification by the Enforcement Officer or other qualified New Jersey Certified Tree Expert.

Partially or completely fallen trees by acts of nature, or which endanger the public safety.

Any tree located within the public right-of-way as shown on a subdivision map approved by the Borough Planning Board or Board of Adjustment.

Any tree located in an area to be occupied by a building, driveway, patio, pool or sports court as shown on a plan approved by the Borough Planning Board or Board of Adjustment in connection with an application for subdivision or site plan approval; or any tree located in an area to be occupied by a building, driveway, patio, pool or sports court as shown on a plan approved by the Borough Planning Board.

Subsection 20-5-8 Display of Permit.

The applicant shall prominently display on the site the tree removal permit issued. Such permit shall be displayed continuously while trees are being removed or replaced or work done as authorized on the permit and for 10 days thereafter. In addition, the person or persons cutting or removing trees, if other than the applicant, shall carry with him/her authorization from the owner or applicant authorizing such person to cut or remove trees.

Subsection 20-5-2 Application:

~~— a. Application for a permit must be made to the Environmental Commission not less than two (2) weeks in advance of the time the work is to be done and shall be accompanied by payment of a fee of five (\$5.00) dollars. Requests for Borough assistance should be indicated on the application.~~

~~— b. An application for planting of a tree shall state:~~

~~— 1. The number of trees to be set out.~~

~~— 2. The location of the tree(s) and grade.~~

~~— 3. The species, cultivar or variety of each tree.~~

~~— 4. The method of planting.~~

~~— 5. Such other information as the Environmental Commission shall find reasonably necessary to a fair determination of whether a permit should be issued.~~

~~— c. An application for maintenance of trees shall state:~~

~~— 1. The number and kinds of trees to be sprayed, fertilized, pruned or otherwise preserved.~~

~~— 2. The kind of treatment to be administered.~~

~~— 3. The composition of the spray material to be applied.~~

~~— 4. Such other information as the Environmental Commission shall find reasonably necessary to a fair determination of whether a permit should be issued.~~

~~— d. An application for a permit to remove a tree shall state:~~

~~— 1. The number and location of trees to be removed.~~

~~— 2. The reason(s) removal is necessary or appropriate.~~

~~— 3. The species, cultivar or variety of the replacement tree(s).~~

~~— 4. The intended location of the replacement tree(s).~~

~~— 5. The method of planting the replacement tree(s).~~

~~— 6. Such other information as the Environmental Commission shall find reasonably necessary to a fair determination of whether a permit should be issued.~~

Hightstown Borough Revised General Ordinances

~~7. Except as otherwise authorized by the Environmental Commission, no permit for removal of a tree shall be issued unless provision is made for the planting of a replacement tree at the site of removal or at a location approved by the Environmental Commission. (1991 Code § 207-6)~~

~~Subsection 20-5-3 — Issuance of Permit.~~

~~The Environmental Commission shall issue the permit provided for herein if, in its judgment, the proposed work is desirable and the proposed method and workmanship thereof are of a satisfactory nature. Any permit granted shall contain a definite date of expiration, and the work shall be completed in the time allowed on the permit and in the manner as therein described. Any permit shall be void if its terms are violated. (1991 Code § 207-6)~~

Hightstown Borough Revised General Ordinances

Section 20-6

REMOVAL, REPLANTING AND REPLACEMENT

Subsections:

20-6-1 Planting in Violation of Regulations.

~~20-6-2~~ Removal, Planting and Replacement of Trees~~20-6-32~~ Removal of Trees for Sidewalk or Street Improvements for Street Work.~~20-6-43~~ Removal of Trees for Construction; Replacement.~~20-6-5~~ Removal for Tree Hazard

Subsection 20-6-1 Planting in Violation of Regulations.

Whenever any tree shall be planted in violation of the provisions of this chapter, it shall be lawful for the Shade Tree Official to remove or cause removal of the same, and the exact cost thereof shall be assessed to the person planting the tree as provided by law in the case of special assessments. (1991 Code § 207-7)

~~20-1~~Subsection 20-6-2 Removal, Planting and Replacement of Trees

Replacement Trees. Removed trees not less than 8 inches in diameter must be replaced according to the table below. Replacement is dependent on the diameter measured at a point 4' feet above the ground of the existing tree that would be removed. If in the discretion of the Enforcement Officer due to available space, species of trees and/or required space between plantings a lesser number would be appropriate, the Enforcement Officer may grant a downward adjustment.

<u>Caliper of Removed Tree (inches)</u>	<u>No. of Replacement Trees</u>
<u>>8 to <12</u>	<u>1</u>
<u>12 to <18</u>	<u>2</u>
<u>18 to <24</u>	<u>3</u>
<u>24 and larger</u>	<u>4</u>

Replacement Trees must be not less than 1-3/4" caliper.

In lieu of providing a Replacement Tree, the owner of real property must contribute \$300.00 per replacement tree to the Borough of Hightstown, with such funds to be used for tree replacement by the Environmental Commission.

Subsection 20-6-32 Removal of Trees for Sidewalk or Street Improvements for Street Work

Whenever it is necessary for the Borough to remove a tree or trees from a tree lawn in connection with the paving of a sidewalk or the paving or widening of the portion of a street or highway used for vehicular traffic, the Borough shall replant such trees or replace them. If conditions prevent planting on tree lawns, this requirement will be satisfied if any equivalent number of trees of the same size and species as provided for in the Arboricultural Specifications are planted in another location approved by the Environmental Commission. (1991 Code § 207-7)

Hightstown Borough Revised General Ordinances

Subsection 20-6-~~43~~ Removal of Trees for Construction; Replacement.

No person or property owner shall remove a tree from the tree lawn for the purpose of construction or for any other reason unless he replaces the removed tree or trees in accordance with the adopted Arboricultural Specifications. Such replacement shall meet the standards of size, species and placement as provided for in a permit issued by the Environmental Commission. The person or property owner shall bear the cost of removal and replacement of all trees removed. (1991 Code § 207-7)

Subsection 20-6-5 Removal for Tree Hazard.

Any tree removal required to address an urgent safety concern may be removed without permit. If the removed tree is 8 inches in diameter or more, the Shade Tree Official shall be notified within the 7 days and shall subsequently identify replacement tree(s) to be planted by the owner of the property from which the tree was removed.

Hightstown Borough Revised General Ordinances

Section 20-7

PRUNING AND TREE MAINTENANCE**Subsections:****20-7-1 ~~Responsibility of Property Owner or Tenant.~~Responsibilities****20-7-2 Failure to Prune Trees; Notice.****20-7-3 Failure to Comply; Cost Assessed to Owner.****~~Subsection 20-7-1 Responsibility of Property Owner or Tenant.~~**

~~— It shall be the duty of any person owning or occupying real property bordering on any public street to prune any trees on such property in such manner that they do not obstruct or shade the streetlights, obstruct the passage of pedestrians on sidewalks, obstruct vision of traffic signs or obstruct the traveling public's view of the street. The minimum clearance of any overhanging portion of a tree shall be ten (10) feet over sidewalks and twelve (12) feet over all streets, except truck thoroughfares, which shall have a clearance of sixteen (16) feet. (1991 Code § 207-8)~~

20-7-1 Responsibilities

All Borough trees and shrubs located on property owned by the Borough of Hightstown shall be maintained solely by the Department of Public Works.

All Borough trees and shrubs not located on property owned by the Borough of Hightstown, but on properties owned by the Board of Education or by some other public body, may be maintained by the Department of Public Works as is required for the general public welfare.

All trees and shrubs on private property shall be maintained by the owner of the property upon which they are located.

It shall be the duty of any person owning or occupying real property bordering on any public street to prune any trees on such property in such manner that they do not obstruct or shade the streetlights, obstruct the passage of pedestrians on sidewalks, obstruct vision of traffic signs or obstruct the traveling public's view of the street. The minimum clearance of any overhanging portion of a tree shall be ten (10) feet over sidewalks and twelve (12) feet over all streets, except truck thoroughfares, which shall have a clearance of sixteen (16) feet.

Subsection 20-7-2 Failure to Prune Trees; Notice.

Should any person owning real property bordering on any public street fail to prune trees as hereinabove provided, the Environmental Commission shall order such person or persons, within thirty (30) days after receipt of written notice, to so prune such trees. The order required herein shall be served by mailing a copy of the order to the last known address of the owner or occupant of the property. (1991 Code § 207-8)

Subsection 20-7-3 Failure to Comply; Cost Assessed to Owner.

When a person to whom an order is directed shall fail to comply within the specified time, it shall be lawful for the municipality to prune such trees, and the exact cost thereof shall be assessed to the owner as provided by law in the case of special assessments. (1991 Code § 207-8)

Hightstown Borough Revised General Ordinances

Section 20-8

ABUSE OR MUTILATION OF PUBLIC TREES

Subsections:

20-8-1 Abuse or Mutilation of Public Trees.

Subsection 20-8-1 Abuse or Mutilation of Public Trees.

Unless specifically authorized by the Environmental Commission or the Shade Tree Official, no person shall intentionally damage, cut, carve, transplant or remove any public tree; attach any rope, wire, nails, advertising posters or other contrivance to any such tree; allow any gaseous, liquid or solid substance which is harmful to such trees to come in contact with them; or set fire to or permit any fire to burn when such fire or the heat thereof is likely to injure any portion of any such tree. (1991 Code § 207-9)

Hightstown Borough Revised General Ordinances

Section 20-9

INTERFERENCE WITH OFFICIALS UNLAWFUL

Subsections:

20-9-1 Interference with Officials Unlawful.

Subsection 20-9-1 Interference with Officials Unlawful.

No person shall hinder, prevent, delay or interfere with the Environmental Commission or the Shade Tree Official in the performance of its or his authority and duties pursuant to this chapter; provided, however, that nothing herein shall be construed as an attempt to prohibit the pursuit of any remedy, legal or equitable, in any court of competent jurisdiction for the protection of property rights by the owner of any property within the municipality. (1991 Code § 207-10)

Hightstown Borough Revised General Ordinances

Section 20-10**PROTECTION DURING CONSTRUCTION OR EXCAVATION****Subsections:****20-10-1 Protection During Construction or Excavation.****Subsection 20-10-1 Protection During Construction or Excavation.**

a. All trees on any public street or other publicly owned property in the immediate vicinity of an excavation or construction of any building, structure or street work shall be guarded with a good, substantial and highly visible fence, frame or box not less than four (4) feet high and eight (8) feet square or at a distance in feet from the trunk equal to the diameter of the trunk in inches [measured six (6) inches from the ground], whichever is greater, and all building material, dirt or other debris shall be kept outside the barrier.

b. No person shall excavate any ditches, tunnels or trenches or lay any drive within a radius of ten (10) feet from any public tree without first obtaining a written permit from the Environmental Commission. (1991 Code § 207-11)

Hightstown Borough Revised General Ordinances

Section 20-11**OBSTRUCTING NUTRIENTS FROM PUBLIC TREES UNLAWFUL****Subsections:****20-11-1 Obstructing Nutrients from Public Trees Unlawful.****Subsection 20-11-1 Obstructing Nutrients from Public Trees Unlawful.**

No person shall deposit, place, store or maintain upon any public place of the municipality any stone, brick, sand; concrete or other materials which may impede the free passage of water, air and fertilizer to the roots of any tree growing therein, except by written permit of the Environmental Commission. (1991 Code § 207-12)

Hightstown Borough Revised General Ordinances

Section 20-12

VIOLATIONS AND PENALTIES

Subsections:

20-12-1 Violations and Penalties.

Subsection 20-12-1 Violations and Penalties.

The Environmental Commission or the Shade Tree Official shall cause a Municipal Court complaint to be issued to any person, firm or corporation violating any of the provisions of this chapter. Any person found to have violated a provision of this chapter shall be liable, upon conviction to the penalty as stated in Chapter I, Section 1-5. (1991 Code § 207-13; New)