

**Meeting Minutes  
Hightstown Borough Council  
March 1, 2021  
6:30 p.m.**

The meeting was called to order by Council President Bluth at 6:31 p.m. and she 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 on the Borough website.” Do to COVID-19 and self-distancing protocols, this meeting was held remotely through [www.zoom.com](http://www.zoom.com).

The flag salute followed Roll Call.

	<b>PRESENT</b>	<b>ABSENT</b>
<i>Councilmember Bluth</i>	✓	
<i>Councilmember Cicalese</i>	✓	
<i>Councilmember Fowler</i>	✓	
<i>Councilmember Jackson</i>	✓	
<i>Councilmember Misiura</i>	✓	
<i>Councilmember Musing</i>	✓	
<i>Mayor Quattrone</i>		✓

Also in attendance: Margaret (Peggy) Riggio, Deputy Borough Clerk; Debra Sopronyi Borough Clerk/Administrator; George Lang, CFO; Jim Sidelinger, OEM Coordinator; George Chin, Zoning Official; Ken Lewis, Superintendent Public Works; Carmela Roberts, Borough Engineer and Fred Raffetto, Borough Attorney.

The Flag Salute followed roll call.

Council President Bluth called for a moment of silence for 500,000 deaths from Covid-19 in the last year.

**APPROVAL OF AGENDA**

Council President Bluth requested to add an OEM update. Borough Administrator, Debra Sopronyi, requested that a discussion regarding the Water Towers be added to Engineering Items.

Councilmember Misiura moved the agenda as amended; Councilmember Fowler seconded.

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

Agenda approved as amended 6-0.

**APPROVAL OF MINUTES**

**Amending May 20, 2019 Public Session Minutes**

Moved by Councilmember Jackson; Seconded by Councilmember Cicalese.

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

Amended Minutes Approved 6-0.

### **February 16, 2021 – Public Session**

Moved by Councilmember Cicalese; Seconded by Councilmember Fowler.

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

Minutes Approved 6-0.

### **OEM Update**

Jim Sidelinger Office of Emergency Management Coordinator addressed Council.

He reminded everyone that we are still in pandemic. It has been almost 1 year since the Declaration of Emergency was put into place in Hightstown. He has seen a community that has done a great job in heeding requests to social distance and following guidelines. He has is also seeing neighbors helping one another. He stated that he is grateful to have a great team to work with.

He has worked with The Administrator, Clerk, Health Officer, Chief of Police and Public Works to establish updated guidelines for meetings and events in the Borough. Any Executive Order will still override any Borough guidelines. New Guidelines for live in person meetings and events have been distributed to Mayor and Council and all Boards and Commissions. Mr. Sidelinger proceeded to review indoor and outdoor gathering guidelines set by the State and vaccine distribution. Council President Bluth thanked Mr. Sidelinger for update all he has done over the last year.

Mr. Sidelinger left meeting at this time.

### **PRESENTATIONS**

#### **Habitat for Humanity Update**

Lori Leonard and Mike Tartaro of Habitat for Humanity joined the meeting to give Council an update on the current projects in Hightstown.

Lori Leonard gave presentation of latest project nearing completion in Hightstown.

Councilmember Musing thanked Habitat for the work they are doing in the Borough and is excited to welcome new families into town.

Councilmember Misiura asked if Habitat is looking at any other development in the Borough. He stated that we do have an affordable housing obligation and Habitat has been a great partner in helping to fulfill that need.

Ms. Leonard stated that Habitat is always looking for more projects and would like the opportunity to talk to Council about future projects. She enjoys working in Hightstown and always gets good feedback from homeowners.

Council President Bluth thanked Ms. Leonard and Mr. Tartaro for the update and for everything that Habitat does.

## **ENGINEERING ITEMS**

### **Windsor Property Associates, LLC Connection to Water-Sewer**

Carmela Roberts, Borough Engineer, stated that Windsor Property Associates is requesting water-sewer hookup from Hightstown for a redevelopment project located in East Windsor Township, bordering Hightstown. Ms. Roberts referred to a letter from Leonard Coates' letter dated February 24, 2021.

Discussion ensued.

Superintendent of Public Works, Ken Lewis, reviewed his memo to Council dated February 23, 2021. He stated that once East Windsor taps the water it will forever be our maintenance. Mr. Lewis stated that we need to be thinking about our infrastructure and the redevelopment that is underway in Hightstown. It is his opinion that this developer not be allowed to connection to Hightstown's water sewer mains.

Borough Administrator, Debra Sopronyi, reiterated that once the infrastructure is in place, it will be ours to maintain. Hightstown has a lot of redevelopment down that road. If we take on this project, we will be expected to provide water sewer to all new projects in that area. She suggests that we adopt a policy that the Borough no longer provides water sewer service to residents outside of the Borough.

Ms. Roberts informed Council that Hightstown's water allocation review does not take into account future development in East Windsor.

Borough Attorney, Fred Raffetto, stated that this needs to be looked at not just for this project but for future projects. Council does have the ability to grant or deny this request.

Councilmember Musing questioned how can we continue to provide service outside the of the Borough. Hightstown's water allocation was decreased, and we have future redevelopments that will use the water service.

Mr. Raffetto suggested adopting a resolution that states we will no longer be considering these types of requests.

Councilmember Misiura questioned why our water allocation had been reduced. Ms. Roberts explained process. Regardless of what our projection is, the State has reduced water allocation. Right now, we are below the allocation, but it is nice to have a cushion; especially with the Rug Mill coming online in the near future. Mr. Misiura asked if the developer has any indication that they will not be getting water service permit. Ms. Roberts stated that she never suggested that they would be granted approval from Council.

Councilmember Jackson asked about current water sewer connections to residents outside the Borough. Is there a time when we stop supplying to those residents or businesses and how would we do that? Ms. Roberts explained that when East Windsor installs a watermain for this project, the neighboring businesses would be made to be put on that watermain.

Council President Bluth asked for a motion to deny water sewer service to Windsor Associates.

Moved by Councilmember Musing; Seconded by Fowler.

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

Water service to Windsor Associates denied 6-0.

Mr. Raffetto will send a letter to Mr. Coates, counsel to Windsor Associates.

### **Water Tower Refurbishment**

Borough Engineer, Carmela Roberts, received notice this weekend from the New Jersey Infrastructure Bank that the water tower project is eligible in this funding cycle. This is a low interest loan with loan forgiveness up to 50%. We have gotten 40% loan forgiveness in the past with this program. This is the best funding that we can get at this point. Ms. Roberts recommends that we accept this and we move forward to do work that is needed on the 3 water towers. Ms. Sopronyi stated that the entire project needs to be authorized to qualify for the funding. Water funding is hard to come by and there is no way to guarantee that there will be funds again next year. After discussion, Council authorized Ms. Roberts to move forward with the design and bidding process.

Ken Lewis left the meeting at this time.

### **PUBLIC COMMENT**

Council President Bluth opened the public comment period and the following individuals spoke:

**Eugene Sarafin, 628 South Main Street** - Complained about the Federal government. Stated that he is sick of republicans. They want to destroy this country. Said that it is good to see everyone. He would like to let public attend meetings via zoom even when we return in person. Council is doing a good job and he appreciates the work they are doing. Everyone should come to see how Council works.

There being further comments, Council President Bluth closed the public comment period.

### **ORDINANCES**

**Ordinance 2021-02 First Reading and Introduction – Bond Ordinance Providing for Improvements to Various Roads in and by the Borough of Hightstown, in the County of Mercer, New Jersey, Appropriating \$1,630,000 therefor and Authorizing the Issuance of \$600,368 Bonds or Notes of the Borough to Finance Part of the Cost thereof**

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

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

Ordinance introduced 6-0.

Public hearing scheduled for March 15, 2021.

Ordinance 2021-02  
*BOROUGH OF HIGHTSTOWN*  
*COUNTY OF MERCER*  
*STATE OF NEW JERSEY*

**BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO VARIOUS ROADS IN AND BY THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$1,630,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$600,368 BONDS OR NOTES OF THE**

**BOROUGH TO FINANCE PART OF THE COST THEREOF.**

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

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Borough of Hightstown, in the County of Mercer, New Jersey (the "Borough") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$1,630,000, including grants in the aggregate amount of \$1,029,632 expected to be received from the State of New Jersey Department of Transportation, \$500,000 of which is for the improvements to Hauser Avenue, Bennett Place and Prospect Drive, as more specially described in Section 3(a) and \$529,632 of which is for the improvements to Railroad Avenue and Dey Street, as more specially described in Section 3(a) (together, the "State Grants"). Pursuant to N.J.S.A. 40A:2-11(c), no down payment is provided for the costs of the project since the project is being partially funded by the State Grants.

Section 2. In order to finance the cost of the improvement not covered by the State Grants, negotiable bonds are hereby authorized to be issued in the principal amount of \$600,368 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is improvements to Hauser Avenue, Bennett Place, Prospect Drive, Railroad Avenue and Dey Street, further including all work and materials necessary therefor and incidental thereto.

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

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

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

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

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

(a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Borough may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 10 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$600,368, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$235,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

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

Section 8. Any grant moneys received for the purpose described in Section 3(a) hereof shall be applied either to direct payment of the cost of the improvement or if other than as referred to in Section 1 hereof, to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

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

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

**Ordinance 2021-03 First Reading and Introduction – Bond Ordinance Providing for Water and Sewer Improvements to Various Roads for the Water-Sewer Utility in and by the Borough of Hightstown, in the County of Mercer, New Jersey, Appropriating \$710,000 therefor and Authorizing the Issuance of \$710,000**

**Bonds or Notes of the Borough to Finance the Cost thereof**

CFO, George Lang, stated that wording in the ordinance needs to be revised. This is not self-liquidating. The only amendment needed is to remove self-liquidating. Everything else in the bond ordinance is correct.

Moved as amended for Introduction by Councilmember Cicalese; Seconded by Councilmember Musing.

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

Ordinance introduced as amended 6-0.

Public hearing scheduled for March 15, 2021.

Ordinance 2021-03  
*BOROUGH OF HIGHTSTOWN*  
*COUNTY OF MERCER*  
*STATE OF NEW JERSEY*

**BOND ORDINANCE PROVIDING FOR WATER AND SEWER IMPROVEMENTS TO VARIOUS ROADS FOR THE WATER-SEWER UTILITY IN AND BY THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$710,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$710,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE THE COST THEREOF.**

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

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Borough of Hightstown, in the County of Mercer, New Jersey (the "Borough"). For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$710,000. Pursuant to N.J.S.A. 40A:2-11(c), no down payment is provided for the costs of the improvement since the project described in Section 3(a) hereof is expected to be funded through the New Jersey Infrastructure Bank.

Section 2. In order to finance the cost of the improvement or purpose, negotiable bonds are hereby authorized to be issued in the principal amount of \$710,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is water and sewer improvements to Railroad Avenue, Dey Street, Hauser Avenue, Bennett Place and Prospect Drive for the water-sewer utility, including all work and materials necessary therefor and incidental thereto.

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

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

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law.

The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law or applicable law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

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

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

(a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Borough may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

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

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$710,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$60,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

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

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

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



holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

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

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

## **RESOLUTIONS**

### **Resolution 2021-045 Authorizing Payment of Bills**

Moved by Councilmember Cicalese; Seconded by Councilmember Fowler

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

Resolution adopted 6-0.

Resolution 2021-045

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

### **AUTHORIZING PAYMENT OF BILLS**

**WHEREAS**, certain bills are due and payable as per itemized claims listed on the following schedules, which are made a part of the minutes of this meeting as a supplemental record;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the bills be paid on audit and approval of the Borough Administrator, the appropriate Department Head and the Treasurer in the amount of \$1,807,390.51 from the following accounts:

Current		\$1,633,092.44
W/S Operating		74,837.45
General Capital		90,733.71
Water/Sewer Capital		4,000.00
Grant		0.00
Trust		621.91
Unemployment Trust		0.00
Animal Control		0.00
Law Enforcement Trust		1,000.00
Tax Lien Trust		0.00
Public Defender Trust		0.00
Escrow		<u>3,105.00</u>
Total		<u>\$1,807,390.51</u>

**Resolution 2021-046 Authorizing Payment No. 4 Assuncao Brothers, Inc. (Construction of Peddie Lake Dam Walking Bridge Replacement)**

Moved by Councilmember Cicalese; Seconded by Councilmember Fowler

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

Resolution adopted 6-0.

Resolution 2021-046

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

**AUTHORIZING PAYMENT NO. 4 ASSUNCAO BROTHERS, INC. (CONSTRUCTION OF PEDDIE LAKE DAM WALKING BRIDGE REPLACEMENT)**

**WHEREAS**, on August 20, 2018, the Borough Council awarded a contract for the construction of the Peddie Lake Dam Walking Bridge Replacement to Assuncao Brothers, Inc. of Edison, New Jersey in the Amount of \$408,575.84; and

**WHEREAS**, the contractor has submitted a request payment in the amount of \$20,448.08 for partial work performed from December 1, 2019 – March 31, 2020; 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 \$20,448.08 to Assuncao Brothers, Inc. of Edison, New Jersey is hereby approved as detailed herein.

**Resolution 2021-047 Resolution Authorizing a 4<sup>th</sup> Amendment to the Lease Agreement for the Borough's Continued Use of a Portion of the Property Known and Designated as Block 61.01, Lots 43, 44 & 45, Commonly Known as 415A Mercer Street, Hightstown, New Jersey**

Moved by Councilmember Fowler; Seconded by Councilmember Cicalese

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

Resolution adopted 6-0.

Resolution 2021-047

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

**RESOLUTION AUTHORIZING A 4<sup>TH</sup> AMENDMENT TO THE LEASE AGREEMENT FOR THE  
BOROUGH'S CONTINUED USE OF A PORTION OF THE PROPERTY  
KNOWN AND DESIGNATED AS BLOCK 61.01, LOTS 43, 44 & 45,  
COMMONLY KNOWN AS 415A MERCER STREET,  
HIGHTSTOWN, NEW JERSEY.**

**WHEREAS**, the Hightstown Borough Governing Body previously adopted Ordinance No. 2014-02 which authorized the Borough of Hightstown (the "Borough") to enter into a Lease Agreement (the "Agreement") with Hights Realty, LLC, regarding the Borough's temporary use of a portion of the premises located at 415 Mercer Street in the Borough, commonly known and designated as Block 61.01, Lots 43, 44 and 45 on the Borough's Tax Map (hereinafter referenced as the "Property"), for the relocation of the Borough's Police Department and associated operations; and

**WHEREAS**, the Agreement was executed by the parties on February 1, 2014; and

**WHEREAS**, the parties previously executed a "1<sup>st</sup> Amendment to Lease Agreement and First Renewal Thereof" (the "1<sup>st</sup> Amendment"), which modified the renewal terms set forth in the initial Agreement; and

**WHEREAS**, the parties subsequently executed a "2<sup>nd</sup> Amendment to Lease Agreement (the "2<sup>nd</sup> Amendment"), which further modified the renewal terms set forth in the initial Agreement;

**WHEREAS**, said Lease was extended by way of a 3<sup>rd</sup> Amendment dated May 6, 2019; and

**WHEREAS**, the term of the 3<sup>rd</sup> Amendment has expired as of January 31, 2021;

**WHEREAS**, the parties wish to renew the said Agreement for a 4<sup>th</sup> renewal term, which constitutes a one (1) year period retroactive to February 1, 2021, which shall expire on January 31, 2022, including the option to renew for two (2) additional six (6) month terms; and

**WHEREAS**, the Parties have negotiated a 4<sup>th</sup> Amendment to Lease Agreement (the "4<sup>th</sup> Amendment"), which sets forth the renewal terms and conditions, a copy of which is attached hereto and made a part hereof; and

**WHEREAS**, the Mayor and Borough Council wish to authorize the Borough to enter into this 4<sup>th</sup> Amendment, or one which is substantially similar thereto and which meets with the approval of the Borough Attorney, and to authorize the Council President and Deputy Borough Clerk to execute the same on behalf of the Borough.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Borough Council of the Borough of Hightstown that the Council President is hereby authorized to execute and the Deputy Borough Clerk to attest the attached 4<sup>th</sup> Amendment, or one which is substantially similar thereto and which meets with the approval of the Borough Attorney, on behalf of the Borough.

**BE IT FURTHER RESOLVED**, that a certified copy of this Resolution shall be provided to each of the following:

1. Hights Realty, LLC
2. Robert Brown, Esq.
3. Frederick C. Raffetto, Esq., Borough Attorney

4. Police Chief Frank Gendron.

**Resolution 2021-048 Authorizing Design, Inspection and Administration of Improvements to Railroad Avenue and Dey Street**

Moved by Councilmember Jackson; Seconded by Councilmember Misiura

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

Resolution adopted 6-0.

Resolution 2021-048

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

**AUTHORIZING DESIGN, INSPECTION AND ADMINISTRATION OF  
IMPROVEMENTS TO RAILROAD AVENUE AND DEY STREET**

**WHEREAS**, the Borough of Hightstown has been awarded a grant in the amount of \$\$529,632.00 for improvements to Railroad Avenue and Dey Street; and

**WHEREAS**, the Borough Council wishes to authorize the Borough Engineer, Carmela Roberts of Roberts Engineering Group, for an amount not to exceed \$40,000.00, for the engineering survey, design, permitting and bidding of the project and;

**WHEREAS**, the Borough Council wishes to authorize the Borough Engineer, Carmela Roberts of Roberts Engineering Group, for an amount not to exceed \$46,000.00, for construction inspection and contract administration costs

**WHEREAS**, the Chief Finance Officer has certified that funds are available for this project.

**NOW, THEREFORE BE IT RESOLVED**, that the Borough Engineer is hereby authorized as the design engineer, construction inspection and contract administration engineer for the Improvements to Railroad Avenue and Dey Street at a cost not to exceed a total of \$86,000.00.

**Resolution 2021-049 Resolution Authorizing the Execution of an Agreement Relating to the Installation of an Above-Ground Swimming Pool within a Borough-Held Sewer Line Easement Located n and Across the Property Located at 201 Glen Brook Place (Block 5, Lot 5)**

Moved by Councilmember Musing; Seconded by Councilmember Jackson

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

Resolution adopted 6-0.

Resolution 2021-049

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

**RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT  
RELATING TO THE INSTALLATION OF AN ABOVE-GROUND SWIMMING POOL WITHIN A  
BOROUGH-HELD SEWER LINE EASEMENT LOCATED ON AND ACROSS THE PROPERTY**

**LOCATED AT 201 GLEN BROOK PLACE (BLOCK 5, LOT 5).**

**WHEREAS**, the owners (Theo and Jennifer Caylo) of the property located at 201 Glen Brook Place in the Borough of Hightstown (the “property”), more commonly known and designated as Block 5, Lot 5 on the official Borough Tax Map, have requested the Borough’s permission to install an above-ground swimming pool (the “pool”) behind the existing garage located in the rear of the property, which pool would be situated within an existing sewer line easement that is held by the Borough but which will otherwise comply with all applicable Borough requirements concerning location; and

**WHEREAS**, the proposed pool is intended to measure 15’ x 30’; and

**WHEREAS**, the property owners have agreed to assume all responsibility and liability associated with the proposed pool, including but not limited to all costs, expenses and liability if the pool is ever required to be removed or dismantled by the Borough for any purpose (i.e., the excavation of the sewer line) and requires repair(s) or replacement, along with liability for any and all damages occasioned to any person or property associated whatsoever with the pool; and

**WHEREAS**, the property owners have agreed to remove the pool in connection with any sale of the property, unless the new purchaser(s) thereof agree to execute a similar agreement with the Borough; and

**WHEREAS**, the property owners have agreed to execute an Agreement with the Borough in order to memorialize the representations set forth above, along with any and all other terms and conditions deemed necessary by the Borough Attorney.

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

1. That the Borough hereby provides its consent to the property owners for the installation of an above-ground swimming pool (the “pool”) behind the existing garage located in the rear of the property, which pool would be situated within an existing sewer line easement that is held by the Borough but which will otherwise comply with all applicable Borough requirements concerning location, subject to the terms and conditions set forth above and also subject to any other terms and conditions that are deemed necessary by the Borough Attorney (which shall be included in an Agreement between the Borough and the property owners).
2. That the Mayor or Borough Administrator is hereby authorized to execute, and the Deputy Municipal Clerk to attest, an Agreement on behalf of the Borough, which Agreement shall be in a form satisfactory to the Borough Attorney, relating to the above issues. The execution of said Agreement shall be a prerequisite to the issuance of any permits associated with the installation of said pool.
3. That a certified copy of this Resolution shall be provided to each of the following:
  - a. Debra L. Sopronyi, Borough Administrator/Clerk; and
  - b. George Chin, Zoning Officer; and
  - c. Frederick C. Raffetto, Esq., Borough Attorney.

**NEW BUSINESS**

**Approval of Letter of Support – Safe Routes to School**

Complete Streets is being nominated from the Greater TMA for another Safe Routes to School Award. Last time they were nominated, we received silver award. Not sure what it will be this time. Application is still being processed. This letter shows the Council's support of the Complete Streets Committee.

Councilmember Misiura moved to approve Council President Bluth to sign the letter of Support; Seconded by Councilmember Fowler.

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

Support letter approved 6-0.

### **Complete and Green Streets Policy Review**

The Complete Streets Committee would like to update the Borough's Complete Streets Policy and would like Council's authorization to move forward with the review. The Borough has a Complete Streets Policy that is a basic statement that states we endorse complete streets. This update will provide more detail. Once the policy is completed it will be brought to Council for adoption. All in favor for complete streets moving forward with the developing process. All ayes. Thank you to Beverly for her work, it is appreciated.

### **Cannabis**

Debra Sopronyi, Borough Administrator, and Fred Raffetto, Borough Attorney, updated Council on The New Jersey Cannabis Regulatory, Enforcement and Assistance and Marketplace Modernization Act which was recently signed by Governor Murphy. Mr. Raffetto informed Council that Hightstown must decide if they would like to prohibit or limit the number of cannabis establishments, distributors or delivery services. Municipalities have 180 days (August 21, 2021) to act on this. If a municipality does not take action within the 180 days, any class of cannabis or distributor will be permitted to operate in the municipality. Ms. Sopronyi, Mr. Raffetto and Councilmember Fowler, will be attending a seminar reviewing the law further. They will report back to Council. Discussion ensued. Council decided to send this to Planning Board for their comments and for the Borough Planner to review.

### **Undersized Vacant Lot Ordinance**

George Chin, Zoning Official, clarified changes made to the Undersized Vacant Lot Ordinance; Planning Board and the Architectural Review Committee cannot approve the request, they can only review. The Zoning Official would approve. After discussion, Council agreed to move forward with introduction of the ordinance at the March 15th meeting.

### **Generator Ordinance**

Planning Board accepted the Zoning Official's revisions. Mr. Chin stated that the generator is louder than an air conditioner. The fencing required will help with the noise. He spoke with Generac regarding testing requirements. The generator should be tested weekly to make sure it works properly. It only needs to run 5 - 12 minutes for the test. After discussion, Council agreed to move forward with introduction of the ordinance at the March 15th meeting.

### **SUBCOMMITTEE REPORTS**

Councilmember Cicalese stated that Complete Streets met with NV5 to kickoff Circulation Study. They have a good handle on Hightstown. A public meeting will be set up once the study is complete. There will be a Bike Night at the Brewery in May. Complete Streets will have a table to distribute material for the Street Smart Program. Complete Streets is looking to help the Environmental Commission maintain their Silver status for Sustainable Jersey.

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

### **Councilmember Jackson**

HPC - Met last week. There will be a walkthrough of Willis house to salvage anything of interest. They are looking for space to store any items. If anyone has any ideas please let them know.

### **Councilmember Cicalese**

Parks and Rec - They are working on quotes for Dawes Park. They went back to R. Hicks. They can't do anything until November. They are looking to do something over the summer. They will make decision in the next month or go with next lower bidder.

### **Councilmember Fowler**

Environmental Commission - The Arbor Day celebration is planned for April 17th. This will include the stream clean up and tree planting at noon. They will confirm their plans with OEM.

### **Councilmember Musing**

Stated that he has spoke with Mayor Quattrone today. He sounds good and says hello.

### **Councilmember Misiura**

First Aid - They would like Council to take a look at LOSAP qualifications. They would like to see some revisions made. Interested in putting a security camera in place.

### **Council President Bluth**

Cultural Arts Commission - March 20th is Hightstown's Got Talent virtual talent show. They received over 20 submissions. Theatre in the Park is making plans for their 8th season. They are hoping to use Association Park with performances planned for July. They are looking to start a 3rd program this summer; half pint players.

RISE - She has reviewed the letter from rise about recycling. She and Borough Administrator, Debra Sopronyi will be meeting with Leslie Koppel and Nancy Laudenbergger this week.

## **EXECUTIVE SESSION**

### **Resolution 2021-050 Authorizing a Meeting that Excludes the Public**

Moved by Councilmember Musing; Seconded by Councilmember Cicalese.

Roll Call Vote: Councilmember Bluth; Cicalese, Fowler, Jackson, Misiura and Musing voted yes.

Resolution adopted 6-0.

Resolution 2021-050

*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 1, 2021, via [www.zoom.com](http://www.zoom.com), 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 – Dispatch

Contract Negotiations – Police/Court Facilities

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 1, 2021, 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.

Councilmember Jackson moved to adjourn to Executive Session at 9:22 p.m.; Councilmember Fowler seconded. All ayes.

Council reconvened into public session at 10:28 p.m.

**ADJOURNMENT**

Councilmember Misiura moved to adjourn at 10:29 p.m.; Councilmember Fowler seconded. All ayes.

Respectfully Submitted,

Margaret M. Riggio  
Deputy Borough Clerk