

**Meeting Minutes**  
**Hightstown Borough Council**  
**March 15, 2021**  
**6:30 p.m.**

The meeting was called to order by Council President Bluth at 6:34 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 Susan Bluth</i>	✓	
<i>Councilmember Joseph Cicalese</i>	✓	
<i>Councilmember Cristina Fowler</i>	✓	
<i>Councilmember Joshua Jackson</i>	✓	
<i>Councilmember Steven Misiura</i>	✓	
<i>Councilmember Dimitri Musing</i>	✓	
<i>Mayor Lawrence Quattrone</i>		✓

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

The Flag Salute followed roll call.

**APPROVAL OF AGENDA**

Councilmember Misiura requested that Federal Covid Relief Funding be added to New Business.

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

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

Agenda approved as amended 6-0.

**PRESENTATIONS**

**RISE – 2020 Outcomes and 2021 Plans**

Nancy Laudemberger, President RISE read the following statement:

*"Good Evening Council President and Council, I am Nancy Walker Laudenberger, 632 S Main St., Currently Rise Board President. It is so nice to be speaking to you tonight. It has been a year since the virus has changed our lives and the lives of the community. Since last March Rise has shown that we know how to pivot. With the increase of food needs we saw a tripling-300% more families at the food pantry. Rise, along with St Anthony's started drive-thru food distributions. The "Thrift Store," a funding stream for the organization shut down, but that funding was replaced with donations from our generous community and from public and private grants. The "Rise to the TASK" hot community dinners did not skip a beat. The Presbyterian, Methodist and St James churches now did not have table service--just like restaurants they pivoted to take out meals. Summer Camp 2020 became virtual. It culminated with the gorgeous mural that can be seen on the old Borough hall building. We continue working with the school district to have some in person learning. In 2019 Rise launched English Language Learners Program. With Covid the classes were put on hold but like so many other programs they are now Zooming --with a waiting list. The annual holiday party, usually held indoors with Santa, games, food and presents became a drive-thru, Santa was still there as well as the presents. Rise partnered with TASK, Trenton Area Soup Kitchen, to host a drive thru in October and we will be hosting with them again this Sunday. The community support for the drives has been fantastic. Our police force has helped with traffic control--supplying traffic cones and manpower. All that Rise does is in collaboration with the community. Soon, Rise will be purchasing the Union Hall on Franklin St. The building will give us office space, privacy space as well as classrooms and it will be handicap accessible. During this time Rise never took a break. All of our programs continued but looked a little different. A few staff went on unemployment, but all were back to work by June. Rise is an organization that we can all be proud of. We are looking forward to how Rise can best work for our community. I will now turn this to Wendy McDade who will explain our next endeavor."*

Wendy McDade - Explained to Council that the pantry tripled in size during the pandemic. Rise is continuing to meet the community's basic needs. Ms. McDade went on to explain the new endeavor that Rise is working on; an online resource that will help the community manage wellbeing, acquire new skills and knowledge and provide skills to help individuals in our community reach their full potential. Ms. McDade gave a tour of the online portal: [www.urisenj.org](http://www.urisenj.org)

Council commented that the website looks wonderful and asked that the link be sent to the Borough Administrator so we can share it on our website. They thanked Rise for everything they have done for our community in the last year during the pandemic.

Leslie Koppel, Executive Director of Rise stated that they love being part of the Hightstown community and thanked Council for the support. Rise is here to fill the gaps with what the community needs.

## **PUBLIC COMMENT**

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

**Eugene Sarafin, 628 South Main Street** - Stated that the Urise website looks incredible. Inquired about the funding of the website. Thanked Rise for the incredible job they are doing. Ms. McDade stated that Penfed is funding the website, but they are looking for additional sponsors and will always take donations from individuals.

**Sandra Johnson, 301 Lincoln Avenue** - The No Parking Anytime signs have been placed on Lincoln Avenue and she stated that the signs are facing the wrong way. People are ignoring the signs. It is very narrow by 301, 303 and 305. If cars are parked on the north and south sides, vehicles will not be able to get through. This is a potentially dangerous situation. Borough Administrator, Debra Sopronyi, stated that the signs are placed correctly, this is a new regulation. She also stated that she will investigate the parking issue.

There being no further comments, Council President Bluth closed the public comment period.

**ORDINANCES**

**Ordinance 2021-02 Final Reading and Public Hearing – 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**

Council President Bluth opened the Public Hearing and the following individuals spoke:

**Eugene Sarafin, 628 South Main Street** - Stated that he supports this ordinance and Council is doing a great job.

There being no further comments Council President Bluth closed the public hearing.

Moved for adoption by Councilmember Misiura; Seconded by Councilmember Fowler.

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

Ordinance adopted 6-0.

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 Final Reading and Public Hearing – 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.**

Council President Bluth opened the Public Hearing and the following individuals spoke:

**Eugene Sarafin, 628 South Main Street** - Stated that he supports this ordinance. Hightstown Borough goes out of the way every year to take care of infrastructure. Great job. Thank you.

There being no further comments Council President Bluth closed the public hearing.

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

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

Ordinance adopted 6-0.

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.

**Ordinance 2021-04 First Reading and Introduction – An Ordinance Amending and Supplementing Chapter 28, Entitled “Zoning,” of the “Revised General Ordinances of the Borough of Hightstown, New Jersey,” Relating to Nonconforming Buildings and Uses**

Moved for introduction by Councilmember Musing; Seconded by Councilmember Cicalese.

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

Ordinance introduced 6-0. Public Hearing scheduled for April 5, 2021.

ORDINANCE 2021-04

BOROUGH OF HIGHTSTOWN

COUNTY OF MERCER

STATE OF NEW JERSEY

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 28, ENTITLED “ZONING,” OF THE  
“REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN, NEW JERSEY,”  
RELATING TO NONCONFORMING BUILDINGS AND USES**

**WHEREAS**, the existing zoning and land use regulations of the Borough of Hightstown (the “Borough”) are set forth in Chapter 28, entitled “Zoning,” of the “Revised General Ordinances of the Borough of Hightstown, New Jersey;” and

**WHEREAS**, the Mayor and Council wish to make certain revisions thereto relating to nonconforming buildings and uses; and

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

Section 1. Chapter 28, entitled “Zoning,” Section 28 entitled “Nonconforming Buildings and Uses” of the “Revised General Ordinances of the Borough of Hightstown, New Jersey,” is hereby amended and supplemented in the following limited respects (deletions are shown with ~~strikeout~~, additions are shown with underline):

### **Section 28-28**

#### **NONCONFORMING BUILDINGS AND USES**

##### **Subsections:**

##### **28-28-1 Applicability.**

##### **28-28-2 Continuation; Enlargement; Rebuilding; Change of Use.**

##### **Subsection 28-28-1      Applicability.**

Except as hereinafter provided, no building or premises shall be used except in conformity with the provisions of this chapter which apply to the district in which it is located. The following provisions shall apply to all buildings and uses of land or buildings existing on November 6, 1978, which do not conform to the requirements set forth in this chapter, to all buildings and uses of land or buildings that become nonconforming by reason of any subsequent amendment to this chapter and the Zoning Map which is a part thereof and to all conforming buildings housing nonconforming uses. (1991 Code § 233-63)

##### **Subsection 28-28-2      Continuation; Enlargement; Rebuilding; Change of Use.**

a. Except as provided in paragraph e. below, any type of nonconforming use of buildings or land may be continued indefinitely but:

1. Shall not be enlarged or structurally altered, extended or placed on a different portion of the lot or parcel of land occupied by such use on November 6, 1978, or any applicable amendment thereof, nor shall any external evidence of such use be increased by any means whatsoever, except whereby through such alteration it is changed to a conforming use.

2. Shall not be changed to another nonconforming use without a variance from the Planning Board.

3. Shall not be reestablished after the physical operation thereof has ceased for a period of over six (6) months for any reason. Intent to resume active operation of a nonconforming use after cessation thereof shall not confer the right to do so.

b. Except as provided in paragraph d. below, no building which houses a nonconforming use shall be:

1. Structurally altered or enlarged.

2. Moved to another location where such use continues to be nonconforming.

3. Changed back to a nonconforming use if once changed to a use permitted in the district in which it is located.

c. Any nonconforming use or structure existing at the time of the passage of this chapter may be continued

upon the lot or in the structure so occupied and any such structure may be repaired in the event of partial destruction thereof. If restoration of such structure is not substantially completed within the six (6) month period from the date of partial destruction, the physical operation of the nonconforming use of such structure shall be deemed to have ceased, unless such nonconforming use shall have been carried on without interruption in the undamaged portion of such structure.

d. Any building housing a conforming use which does not conform to other than use regulations as set forth in this chapter may be rebuilt if damaged but shall not be altered or enlarged so as to increase the degree of nonconformity thereof.

e. Nothing in this section shall be deemed to prevent normal maintenance and repair of any building or the carrying out, upon issuance of a building permit, of major structural alterations or demolitions necessary in the interest of public safety. In granting such a permit, the Construction Official shall state precise reasons to the Planning Board why such alterations were deemed necessary.

f. To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this chapter and upon which actual building construction has been carried on diligently. Actual construction shall be hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner.

g. Where excavation, demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation, demolition or removal shall be deemed to be actual construction, provided that the work shall be carried on diligently.

h. All the foregoing provisions relating to nonconforming uses and buildings shall apply to all nonconforming uses and buildings existing on November 16, 1978, and to all uses and buildings that become nonconforming by reason of any amendment thereof, but not to any use established or building erected in violation of law, regardless of the time of establishment or erection.

i. Existing nonconforming conditions, including but not limited to inadequate lot size or yards and excess coverage, may be continued, but the degree of nonconformity may not be increased without securing a variance. No building may be constructed on a lot less than the minimum size for its district, even if preexisting, without securing a variance.

j. Additions to existing single-family dwellings and/or decks constructed on existing buildings which would extend into the required front, side or rear yards shall be permitted if the following conditions are met:

1. The existing and proposed residential use is permitted in the zone in which it is located.
2. The total lot coverage, off-street parking, garage and building height requirements of the applicable zone are met.
3. The existing residential structure does not reduce any required setback by more than fifty (50%) percent and the proposed setback of any addition does not increase any yard setback deficiency of the existing dwelling.
4. The length (front yard to rear yard) of the proposed violation of any side yard does not exceed thirty-five (35') feet.
5. All other applicable zone requirements affected by this proposed addition are met, except that existing lot area and lot width deficiencies shall not require variances, provided that all other requirements of this section are met. (1991 Code § 233-64; Ord. No. 1996-15 § 1; Ord. No. 2011-07)

k. Owners of existing undersized vacant lots, as of the date of the adoption of Ordinance 2021-04, can avoid appearing before the Planning Board for a Bulk Variance to build a new house if they meet all of the following conditions:

1. The proposed residential use is permitted in the zone in which it is located.
2. The proposed house does not encroach on any setback.

3. The proposed house and accessory structures does not exceed the percentage of lot coverage for all buildings.

4. The total lot coverage of all proposed structures and all other proposed lot improvements do not exceed the total allowed lot coverage.

5. The proposed house and accessory structure does not exceed the maximum height.

6. The proposed house and accessory structure is reviewed by the Planning Board Architectural Review Committee.

7. The proposed house and accessory structure is reviewed by the Hightstown Historic Preservation Commission.

8. All other applicable zone requirements affected by the proposed house and accessory structures are met, except that the existing lot area and lot width deficiencies shall not require variances, provided that all other requirements of this section are met as determined by the Zoning Official. Section 2. 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.

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

Section 4. This Ordinance shall become effective upon final passage and publication in accordance with the law.

**Ordinance 2021-05 First Reading and Introduction – An Ordinance Amending and Supplementing Chapter 28, Entitled “Zoning,” of the “Revised General Ordinances of the Borough of Hightstown, New Jersey,” Relating to Permanently Installed Standby Generators**

Moved for introduction by Councilmember Cicalese; Seconded by Councilmember Fowler.

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

Ordinance introduced 6-0. Public Hearing scheduled for April 5, 2021.

ORDINANCE 2021-05

BOROUGH OF HIGHTSTOWN

COUNTY OF MERCER

STATE OF NEW JERSEY

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 28, ENTITLED “ZONING,” OF THE “REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN, NEW JERSEY,” RELATING TO PERMANENTLY INSTALLED STANDBY GENERATORS**

**WHEREAS**, the existing zoning and land use regulations of the Borough of Hightstown (the “Borough”) are set forth in Chapter 28, entitled “Zoning,” of the “Revised General Ordinances of the Borough of Hightstown, New Jersey;” and

**WHEREAS**, the Mayor and Council wish to make certain revisions thereto relating to permanently installed standby generators; and

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

Section 1. Chapter 28, entitled “Zoning,” Subsection 28-10-19 entitled “Permanently Installed Standby Generators” of the “Revised General Ordinances of the Borough of Hightstown, New Jersey,” is hereby amended and supplemented in the following limited respects (deletions are shown with ~~strikeout~~, additions are shown with underline):

## **Chapter 28 ZONING**

### **Subsection 28-10-19 Permanently Installed Standby Generators.**

a. Standby generators shall be permitted as accessory uses and shall be located in the rear yard **and side yard** only and not project beyond the **front** building lines of the principal structure. All generators shall be installed on a concrete pad or other pre-formed pad designed to meet the generator’s specifications. The generator shall be screened so it is not visible from adjacent properties or from any street or public way. Screening shall consist either of plantings or an opaque fence of sufficient size and height to completely screen the generator from adjacent properties or from any street or public way. **Generators located in the side yard require six (6’) foot solid fencing to completely enclose the generator. A solid gate shall be required.** Screening shall be maintained by the owner or occupant of the property. **All screening or fencing shall be placed in accordance with the generator manufacturer’s installation instruction and clearance requirements. The location of the generator, the type of screening and the size of the screening shall be approved by the Zoning Officer.**

b. Standby generators may only be used when electric power to the property has been interrupted for reasons beyond the control of the property owner or resident, or for routine testing. Routine testing is permitted for a thirty minute period once a month during weekdays between 9:00 a.m. and 4:00 p.m., subject to air quality restrictions. Routine testing shall not take place on days in which the air quality is classified as unhealthy for sensitive groups, unhealthy, very unhealthy, or hazardous in accordance with N.J.A.C. 7:27-19.2(d) as it may be amended from time to time.

c. Notwithstanding anything to the contrary, generators shall not generate noise levels in excess of 68 dB at twenty-three feet when operating at one hundred percent. Generators shall be operated at all times with a muffler, and any factory-installed enclosure for the generator may not be removed for any reason except for maintenance or repair.

d. Supplemental diesel and gasoline fuel storage tanks powering generators shall not be permitted in any residential zone. If the generator is powered by propane gas, the propane gas tank shall be completely screened so as not to be visible from adjacent properties or from any street or public way and shall obtain all applicable regulatory approvals.

(Ord. No. 2014-18)

Section 2. 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.

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

Section 4. This Ordinance shall become effective upon final passage and publication in accordance with the law.

**RESOLUTIONS**

**Resolution 2021-051 Authorizing Payment of Bills**

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

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

Resolution adopted 6-0.

Resolution 2021-051

*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 \$647,818.34 from the following accounts:

<b>Resolution 2021-052 Authorizing a Shared Services Agreement with Hamilton Township for Certain Health Services (STD Clinic)</b>	Current		\$383,504.96
	W/S Operating		194,134.05
	General Capital		34,221.68
	Water/Sewer Capital		10,074.20
	Grant		1,557.96
	Trust		4,373.89
	Unemployment Trust		0.00
	Animal Control		258.60
	Law Enforcement Trust		0.00
	Tax Lien Trust		0.00
	Public Defender Trust		0.00
	Escrow		<u>19,693.00</u>
	<b>Total</b>		<b><u>\$647,818.34</u></b>

Misiura; Seconded by Councilmember Fowler.

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

Resolution adopted 6-0.

Resolution 2021-052

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

**AUTHORIZING A SHARED SERVICES AGREEMENT WITH HAMILTON  
TOWNSHIP FOR CERTAIN HEALTH SERVICES (STD CLINIC)**

**WHEREAS**, the Borough of Hightstown is responsible by law for the protection of public health and wishes to provide certain clinic services relative to sexually transmitted diseases (STDs); and

**WHEREAS**, the Township of Hamilton is agreeable to providing clinic services relative to STDs to the Borough of Hightstown for the period January 1, 2021 through December 31, 2021 for a fee of \$50.00 per patient; and

**WHEREAS**, it is the desire of the Borough Council to enter into a shared services agreement with the Township of Hamilton for provision of these services; and

**WHEREAS**, such agreements are authorized pursuant to *N.J.S.A. 40A:65-1 et seq*; and

**WHEREAS**, funds for this purpose shall be provided for in the 2021 budget.

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

1. A shared services agreement between the Borough of Hightstown and the Township of Hamilton for the provision of professional health clinic services for sexually transmitted diseases for the period January 1, 2021 through December 31, 2021 is hereby authorized and accepted.
2. The Council President and Deputy Clerk are authorized and directed to execute said agreement.

**Resolution 2021-053 Awarding a Contract for Improvements to Springcrest Drive, Taylor Avenue, Spruce Court, Glen Drive & Schuyler Avenue – Earle Asphalt Company**

Moved for introduction by Councilmember Cicalese; Seconded by Councilmember Misiura.

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

Resolution adopted 6-0.

Resolution 2021-053

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

**AWARDING A CONTRACT FOR IMPROVEMENTS TO SPRINGCREST DRIVE,  
TAYLOR AVENUE, SPRUCE COURT, GLEN DRIVE & SCHUYLER AVENUE –  
EARLE ASPHALT COMPANY**

**WHEREAS**, three (3) bids were received on March 5, 2021, for Improvements to Springcrest Drive, Taylor Avenue, Spruce Court, Glen Drive and Schuyler Avenue; and

**WHEREAS**, the bids have been reviewed by the Borough Engineer and it is the Engineer's recommendation that a contract for Improvements to Springcrest Drive, Taylor Avenue, Spruce Court, Glen Drive and Schuyler Avenue be awarded to the low bidder, Earle Asphalt Company of Wall, New Jersey at the price of \$1,370,813.13; and

**WHEREAS**, this project is partially funded by the New Jersey Department of Transportation Municipal Aid Grant program, the award of this contract is conditional upon approval by the New Jersey Department of Transportation; and

**WHEREAS**, the Borough Attorney has reviewed and determined that the bid submitted by Earle Asphalt Company is in order with respect to legal compliance; and

**WHEREAS**, the CFO has certified that funds are available for this purpose.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the contract for the Improvements to Springcrest Drive, Taylor Avenue, Spruce Court, Glen Drive and Schuyler Avenue be awarded to the low bidder, Earle Asphalt Company of Wall, New Jersey at the price of \$1,370,813.13.

**Resolution 2021-054 Resolution Establishing the Official Policy of the Borough of Hightstown with Regard to Applications for Connection to the Borough's Water and Sewer Systems and/or for Expansion of Existing Water and Sewer Use by Properties Located Outside of the Jurisdictional Limits of the Borough of Hightstown**

Moved for introduction by Councilmember Jackson; Seconded by Councilmember Cicalese.

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

Resolution adopted 6-0.

Resolution 2021-054

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

**RESOLUTION ESTABLISHING THE OFFICIAL POLICY OF THE BOROUGH OF HIGHTSTOWN WITH REGARD TO APPLICATIONS FOR CONNECTION TO THE BOROUGH'S WATER AND SANITARY SEWER SYSTEMS AND/OR FOR EXPANSION OF EXISTING WATER AND SEWER USE BY PROPERTIES LOCATED OUTSIDE OF THE JURISDICTIONAL LIMITS OF THE BOROUGH OF HIGHTSTOWN.**

**WHEREAS**, from time to time, the Borough of Hightstown (also referenced as the "Borough") receives applications from the owners of properties that are located outside of the jurisdictional boundaries of the Borough for connection to the Borough's water and sanitary sewer systems and/or for the expansion of existing water and sewer use relating to real properties that are located outside of the Borough; and

**WHEREAS**, in the past, the Borough has considered such applications on a case-by-case basis; and

**WHEREAS**, the Borough possesses a limited and finite amount of water and sanitary sewer capacity pursuant to restrictions imposed by the State of New Jersey; and

**WHEREAS**, in view of the State limitations, and given the Borough's plans for future development and



redevelopment activities within the Borough itself, the Mayor and Council have determined to adopt an official policy of the Borough to restrict all future applications for connection to the Borough's water and sanitary sewer systems, and/or for the expansion of existing water and sewer use, to real properties that are located within the boundaries of the Borough of Hightstown (only); and

**WHEREAS**, as such, pursuant to such policy, the Borough will no longer permit connections to the Borough's water and sanitary sewer systems, nor permit the expansion of existing water and sewer use, from real properties that are located outside of the jurisdictional limits of the Borough, in order to protect and preserve the limited amount capacity that is available for Borough properties.

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

1. That the Borough hereby adopts an official policy in which the Borough will no longer permit connections to the Borough's water and sanitary sewer systems, nor permit the expansion of existing water and sewer use, from any properties that are located outside of the jurisdictional limits of the Borough.
2. That this policy shall take effect immediately and shall continue to be effective until such time as a further determination is made by Resolution of the Mayor and Council.
3. That a certified copy of this Resolution shall be provided to each of the following:
  - a. Mayor Janice Mironov, East Windsor Township;
  - b. East Windsor MUA;
  - c. East Windsor Planning Board;
  - d. Hightstown Planning Board;
  - e. Carmela Roberts, P.E., CME, Borough Engineer;
  - f. Debra L. Sopronyi, Borough Administrator/Clerk;
  - g. Ken Lewis, Superintendent of Public Works;
  - h. Bill Searing, AWWTP Superintendent;
  - i. George Chin, Construction/Zoning Official; and
  - j. Frederick C. Raffetto, Esq., Borough Attorney.

Resolution 2021-054

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

**RESOLUTION ESTABLISHING THE OFFICIAL POLICY OF THE BOROUGH OF HIGHTSTOWN WITH REGARD TO APPLICATIONS FOR CONNECTION TO THE BOROUGH'S WATER AND SANITARY SEWER SYSTEMS AND/OR FOR EXPANSION OF EXISTING WATER AND SEWER USE BY PROPERTIES LOCATED OUTSIDE OF THE JURISDICTIONAL LIMITS OF THE BOROUGH OF HIGHTSTOWN.**

**WHEREAS**, from time to time, the Borough of Hightstown (also referenced as the "Borough") receives applications from the owners of properties that are located outside of the jurisdictional boundaries of the Borough for connection to the Borough's water and sanitary sewer systems and/or for the expansion of existing water and sewer use relating to real properties that are located outside of the Borough; and

**WHEREAS**, in the past, the Borough has considered such applications on a case-by-case basis; and

**WHEREAS**, the Borough possesses a limited and finite amount of water and sanitary sewer capacity pursuant to restrictions imposed by the State of New Jersey; and

**WHEREAS**, in view of the State limitations, and given the Borough's plans for future development and redevelopment activities within the Borough itself, the Mayor and Council have determined to adopt an official policy of the Borough to restrict all future applications for connection to the Borough's water and sanitary sewer systems, and/or for the expansion of existing water and sewer use, to real properties that are located within the boundaries of the Borough of Hightstown (only); and

**WHEREAS**, as such, pursuant to such policy, the Borough will no longer permit connections to the Borough's water and sanitary sewer systems, nor permit the expansion of existing water and sewer use, from real properties that are located outside of the jurisdictional limits of the Borough, in order to protect and preserve the limited amount capacity that is available for Borough properties.

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

1. That the Borough hereby adopts an official policy in which the Borough will no longer permit connections to the Borough's water and sanitary sewer systems, nor permit the expansion of existing water and sewer use, from any properties that are located outside of the jurisdictional limits of the Borough.
2. That this policy shall take effect immediately and shall continue to be effective until such time as a further determination is made by Resolution of the Mayor and Council.
3. That a certified copy of this Resolution shall be provided to each of the following:
  - k. Mayor Janice Mironov, East Windsor Township;
  - l. East Windsor MUA;
  - m. East Windsor Planning Board;
  - n. Hightstown Planning Board;
  - o. Carmela Roberts, P.E., CME, Borough Engineer;
  - p. Debra L. Sopronyi, Borough Administrator/Clerk;
  - q. Ken Lewis, Superintendent of Public Works;
  - r. Bill Searing, AWWTP Superintendent;
  - s. George Chin, Construction/Zoning Official; and
  - t. Frederick C. Raffetto, Esq., Borough Attorney.

### **CONSENT AGENDA**

Councilmember Cicalese moved Resolutions 2021-055; 2021-056; 2021-057; 2021-058 and 2021-059 as a Consent Agenda; Councilmember Fowler seconded.

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

Resolutions adopted 5-0 with 1 abstention.

Resolution 2021-055

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

**DESIGNATING SATURDAY, APRIL 17, 2021 AS  
ARBOR DAY IN THE BOROUGH OF HIGHTSTOWN**

**WHEREAS**, it is widely reported as historical fact that, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

**WHEREAS**, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

**WHEREAS**, Arbor Day is now observed throughout the nation and the world; and

**WHEREAS**, the Borough is a designated Tree City USA by the Arbor Foundation; and

**WHEREAS**, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and

**WHEREAS**, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires, raw material for sculpture and painting and limitless works of art, and source materials for countless other wood products; and

**WHEREAS**, trees in our Borough increase property values, enhance the economic vitality of business areas, and beautify our community and spiritual renewal; and

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown hereby does proclaim and designate Saturday, April 17, 2021, as **ARBOR DAY** in the Borough of Hightstown and to observe this occasion a tree planting ceremony will take place on this day.

**BE IT FURTHER RESOLVED**, by the Mayor and Council of the Borough of Hightstown, that all residents and members of our community are urged and encouraged to support efforts to protect our trees, walkways, riparian banks and woodlands throughout our Borough and our surrounding environment;

**BE IT FURTHER RESOLVED** that all residents and members of our community are urged and encouraged to plant trees where appropriate, to gladden hearts and promote the well-being of present and future generations.

Resolution 2021-056

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

**RECOGNIZING MARCH 21, – MARCH 27, 2021 AS NATIONAL POISON  
PREVENTION WEEK**

**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 dangerous medicines, household products and chemicals, environmental contaminants, and other substances; and

**WHEREAS**, poison control centers across the country will focus the public's attention on the free, lifesaving services provided by poison centers as well as educating the public on ways to prevent poisoning exposures; and

**WHEREAS**, the NJ Poison Control Center, a division of the Department of Emergency Medicine at Rutgers New Jersey Medical School, provides 24/7 expert medical treatment advice, drug information, and prevention education

at no cost to the public through the Poison Help hotline; and

**WHEREAS**, the NJ Poison Control Center's specialized medical professionals (doctors, pharmacists, and nurses) provide accessible, free, and confidential poisoning/medical treatment advice and information to all; and

**WHEREAS**, the NJ Poison Control Center's services save healthcare dollars by eliminating thousands of unnecessary emergency department/room visits and result in shorter lengths of stay for patients hospitalized for poisoning; and

**WHEREAS**, the NJ Poison Control Center is instrumental in the surveillance and management of poisoning exposures across the state, including the use, misuse, and abuse of; medications, legal and illicit drugs, environmental contaminants, bioterrorism agents, and common household products and chemicals; and

**WHEREAS**, the NJ Poison Control Center is involved in New Jersey's efforts in homeland defense, counterterrorism, emergency preparedness and pandemic response, and biosurveillance; and

**WHEREAS**, the COVID-19 Hotline at the NJ Poison Control Center, a collaboration with the NJ Department of Health, has assisted nearly 90,000 additional callers to provide up-to-date, unbiased, accurate information as well as medical guidance and links to services; and

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

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

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

**WHEREAS**, overdose deaths from prescription opioids, over-the-counter medications, and illegal drugs remain at epidemic proportions for both New Jersey and the United States; and

**WHEREAS**, lead exposure and carbon monoxide (CO) poisoning remain major public health concerns; and

**WHEREAS**, poison center experts encourage the public not to guess, wait for symptoms, or waste time looking up medical information online when potential poisoning exposures occur: call 1-800-222-1222, text 973-339-0702, or chat [www.njpies.org](http://www.njpies.org); and

**WHEREAS**, all residents should save the Poison Help hotline in their cell, home, and office phones because a fast response can make all the difference in preventing serious injury and saving lives;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council, of the Borough of Hightstown do hereby recognize the week of March 21, - March 27, 2021 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 2021-057

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

**RESOLUTION EXTENDING THE TEMPORARY PLACEMENT OF A REFRIGERATED  
CONTAINER AT 225 FRANKLIN STREET**

**WHEREAS**, Resolution 2020-123, adopted by Borough Council on June 1, 2020 permitted RISE to place a refrigerated container at 225 Franklin Street; and

**WHEREAS**, Resolution 2020-215 extended permission until March 31, 2021; and

**WHEREAS**, due to the ongoing public health emergency caused by COVID-19, it is necessary to extend this permission until September 30, 2021; and

**WHEREAS**, the Borough Zoning Official recommends Mayor and Council extend permission for the placement of such container with the following requirements:

1. The time in which the refrigerated container may stay in place at 225 Franklin Street is extended to September 30, 2021.
2. RISE is required to maintain the area in a clean and orderly manner.
3. RISE is required to restore the area into its original condition when the refrigerated unit is removed.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Hightstown, that RISE is permitted to place a refrigerated container at 225 Franklin Street as stated herein.

Resolution 2021-058

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

**AUTHORIZING DESIGN AND BID FOR REFURBISHMENT OF HIGHTSTOWN  
BOROUGH WATER TOWERS**

**WHEREAS**, refurbishments are needed at the First Avenue Water Tank, Leshin Lane Standpipe and the Cranbury Station Water Tank; and

**WHEREAS**, this project has been approved for financing through the New Jersey Infrastructure Bank Nano Program in the funding cycle ending July 1, 2021; and

**WHEREAS**, the Borough Council wishes to take advantage of this low cost financing and possible forgiveness program; and

**WHEREAS**, The Borough Council wishes to authorize the Borough Engineer, Carmela Roberts of Roberts Engineering Group, to begin design and other work pertaining to the New Jersey Infrastructure Bank Nano Program and applicable bid process for an amount not to exceed \$75,600.00; and

**WHEREAS**, funds have been made available for these services through Bond Ordinance 2020-16, adopted by Borough Council on December 7, 2020.

**NOW, THEREFORE BE IT RESOLVED**, that the Borough Engineer is hereby authorized to design and bid for the refurbishments to the First Avenue Water Tank, Leshin Lane Standpipe and the Cranbury Station Water Tank as pertains to the New Jersey Infrastructure Bank Nano Program approved funding and project bid at a cost not to exceed a total of \$75,600.00.

Resolution 2021-059

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

**AUTHORIZING EMERGENCY TEMPORARY APPROPRIATIONS  
PRIOR TO ADOPTION OF THE 2021 BUDGET**

**WHEREAS**, an emergent condition has arisen with respect to inadequate appropriation balances remaining in some line items of the 2021 temporary budget; and

**WHEREAS**, N.J.S.A. 40A:4-20 provides for the creation of emergency appropriations for the purposes above mentioned; and

**WHEREAS**, it is the desire of the Mayor and Council to create emergency temporary appropriations as set forth on Schedule "A," attached; and

**WHEREAS**, the total emergency temporary appropriations in resolutions adopted in the year 2021 pursuant to the provisions of N.J.S.A. 40A:4-20 (Chapter 96, P.L. 1951, as amended), including this resolution, total:

	<i><b>THIS RESOLUTION</b></i>	<i><b>PREVIOUS TOTAL</b></i>	<i><b>CUMULATIVE TOTAL</b></i>
Current	106,400.00	0.00	<b>106,400.00</b>
Capital Outlay – Current	0.00	0.00	<b>0.00</b>
Debt Service - Current	0.00	0.00	<b>0.00</b>
Water/Sewer	175,000.00	0.00	<b>175,000.00</b>
Capital Outlay – W/S	0.00	0.00	<b>0.00</b>
Debt Service - W/S	0.00	0.00	<b>0.00</b>
<b>TOTAL</b>	<b>281,400.00</b>	0.00	<b>281,400.00</b>

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Hightstown (not less than two-thirds of all the members of thereof affirmatively concurring) that, in accordance with N.J.S.A. 40A:4-20:

1. An emergency temporary appropriation is hereby made for each item listed on the schedules that are attached hereto and made a part hereof;
2. Each emergency appropriation listed will be provided for in the 2021 budget under the same title as written herein;
3. One certified copy of this resolution will be filed with the Director of Local Government Services, and a copy provided to the Chief Finance Officer.

**SCHEDULE "A"**

Borough of Hightstown

Emergency Temporary No. 1

3/15/2021

**Current Fund**

Mayor and Council	Other Expenses	400.00
Financial Administration	Other Expenses	2,000.00
Data Processing	Other Expenses	3,000.00
Tax Assessor	Salaries and Wages	3,000.00
Collection of Taxes	Salaries and Wages	15,000.00
First Aid Organization	Other Expenses	7,000.00
Sanitation/Solid Waste	Salaries and Wages	22,000.00
Sanitation/Solid Waste	Other Expenses	20,000.00
Parks and Recreation	Salaries and Wages	6,000.00
Board of Health	Salaries and Wages	5,000.00
Gas/Heating Oil	Other Expenses	2,000.00
Postage	Other Expenses	3,000.00
Uniform Construction Code	Salaries and Wages	10,000.00
Uniform Construction Code	Other Expenses	1,000.00
Housing Code Enforcement	Salaries and Wages	7,000.00

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Total Current Fund		106,400.00
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**Water-Sewer Operating Fund**

Salaries and Wages		50,000.00
Other Expenses		125,000.00

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Total Water Sewer Operating		175,000.00
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Total		281,400.00
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**NEW BUSINESS**

**Truck Access Signage**

Debra Sopronyi, Borough Administrator, stated that the Borough had looked at a grant for pedestrian safety signage on Wycoffs Mill Road and Cranbury Station Road due to the truck traffic. After speaking with the Police

Chief and Public works, she was informed that the signs are not feasible because the police will not be able to enforce. A decision has been made that signage will not be placed. They believe that once bypass in East Windsor is in place, the truck traffic problem will hopefully solve itself.

### **Federal Covid Relief Funding**

Councilmember Misiura stated that he knows very little about this but would like to learn more. He would like to know how we take advantage of this funding. He welcomes any additional information. Ms. Sopronyi stated that we have not been given further information to date. She is investigating. The announcement was just made last week. Once she has more information, she will update council so a decision can be made on how to move forward. Because of Hightstown's size, we will be working with the state rather than the Federal Government, which would benefit us.

### **Cannabis**

Councilmember Misiura asked if there has been any new updates. Ms. Sopronyi answered noting that there has been nothing new from the State. Planning Board replied that since this is a policy decision, it would be the decision of Council. If council decides that would like to allow any cannabis establishments, then they will address with the zoning. Borough Attorney, Fred Raffetto, stated that August 20th is the opt out date. If no action is taken by that date, there can be cannabis facilities in any part of town. The League of Municipalities has suggested that towns opt out now and can always opt in at a later date. If we do not opt out, we are locked into allowing cannabis facilities for 5 years. Discussion ensued. Council discussed speaking with East Windsor about their thoughts on the matter and forming a subcommittee to investigate the matter fully. Council President asked for a straw vote to move ahead with an opt out ordinance at a future meeting and form a subcommittee to investigate if this is something that would benefit the Borough.

Councilmembers Bluth, Cicalese, Fowler, Misiura and Musing voted yes. Councilmember Jackson voted no. Council to move forward with an opt out ordinance and form a subcommittee to further investigate cannabis locations in the Borough 5-1.

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

### **Councilmember Fowler**

Downtown Hightstown - Two new businesses are opening downtown. Jazmin Salon and a new yoga studio will be opening above 4 Seasons. Letters for the flower baskets are going out this week. Hopefully, donations will be coming in soon.

Environmental Commission- The commission will be setting up a FaceBook page. The tree planting bid went to Debbie for the grant that was received.

### **Councilmember Cicalese**

Parks and Rec - Are looking to plan Fun Fridays and Girls on the Run, all contingent on Covid Guidelines. They continue to work on the Dawes Park project.

Board of Health - Hired new employee that will work with the vulnerable population to make sure people can get their vaccine. This is made possible through a grant that the West Windsor Health Department has received.

### **Councilmember Jackson**



HPC - Will meet on Thursday at 6:30 via zoom.

**Councilmember Musing**

Construction and Zoning - Has spoken with George Chin and he is very happy we are moving forward with the Zoning Ordinances passed tonight.

**Councilmember Misiura**

Planning Board - Met on March 8th and discussed cannabis in the Borough. As stated earlier, they feel this is a policy decision that needs to be made on the Council level. If Council chooses to move forward, they will review for zoning. Affordable Housing Plan - They continue to work on an Affordable Housing Plan. The Planner is working to meet our obligation. Once they have a recommendation, they will present that to Council for their input. There will eventually be a zoning ordinance.

**Council President Bluth**

Cultural Arts Commission - Hightstown's Got Talent, this Saturday night. There is a link on the Borough's website.

**Peggy Riggio, Deputy Clerk**

Currently issuing Animal and Taxi Licenses.

Petitions for the June Primary are due to the Clerk's Office by 4:00 p.m. April 5th.

**Debra Sopronyi, Borough Administrator/Clerk**

Stated that she and the Police Department have been working with Rise getting the food pantry set up at Victoria Classics. She has been able to get an additional dumpster pick up for them through our vendor at no additional cost. She is happy to work with them to help where we can.

**George Lang, CFO**

In the process of getting the budget together. We will be able to schedule a budget meeting in the near future.

8:10 p.m. Councilmember Fowler moved to adjourn to Executive Session; Seconded by Councilmember Misiura. All ayes.

**EXECUTIVE SESSION**

**Resolution 2021-060 Authorizing a Meeting that Excludes the Public**

Moved by Councilmember Cicalese; Seconded by Councilmember Jackson.

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

Resolution adopted 6-0.

Resolution 2021-060

*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 15, 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 15, 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.

8:43 p.m. Council reconvened into Public Session.

**ADJOURNMENT**

8:44 p.m. Councilmember Misiura moved to adjourn; Councilmember Fowler seconded.

Respectfully Submitted,

Margaret M. Riggio  
Deputy Borough Clerk