

**Meeting Minutes**  
**Hightstown Borough Council**  
**April 5, 2021**  
**6:30 p.m.**

The meeting was called to order by Council President Bluth at 6:33 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.

	PRESENT	ABSENT
<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 Quattrone</i>		✓

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

The Flag Salute followed roll call.

**APPROVAL OF AGENDA**

Moved by Councilmember Misiura; Seconded by Councilmember Fowler.

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

Agenda approved 6-0.

**PUBLIC COMMENT**

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

**Eugene Sarafin, 628 South Main Street** - Spoke about the flag salute and the republican party. We should not be saluting the flag. We should not be suppressing voter rights. Stand up and fight for our democracy.

**Patrick Byas** - Is opening a medical marijuana dispensary in Oklahoma. He is interested in opening a dispensary in Hightstown. He is looking for a letter of intent from Hightstown to open such a dispensary. He would like to bring money and jobs to Hightstown.

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

## **ORDINANCES**

### **Ordinance 2021-04 Final Reading and Public Hearing – 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**

Council President Bluth opened the public hearing and the following individuals spoke:

**Eugen Sarafin, 628 South Main Street** - Thinks this is a good ordinance. Was curious on how many lots this will affect.

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

Moved to adopted by Councilmember Misiura; Seconded by Councilmember Cicalese.

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

Ordinance adopted 6-0.

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 Final Reading and Public Hearing – 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**

Council President Bluth opened the public hearing and the following individuals spoke:

**Eugen Sarafin, 628 South Main Street** - This is a good ordinance.

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

Moved to adopted 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 2021-05  
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 2021-062 Authorizing A Shared Services Agreement with East Windsor Township for Dispatch Services**

Moved by Councilmember Musing; Seconded by Councilmember Fowler.

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

Ordinance adopted 6-0.

Resolution 2021-062

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

**AUTHORIZING A SHARED SERVICES AGREEMENT WITH EAST WINDSOR  
TOWNSHIP FOR DISPATCH SERVICES**

**WHEREAS**, there is a need for Dispatch Services for Hightstown Borough's Police, Fire and EMS; and

**WHEREAS**, Hightstown Borough desires to enter into an agreement with East Windsor Township for Dispatch Services and East Windsor Township has agreed to provide said services to Hightstown Borough; and

**WHEREAS**, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40:65-1 et seq. authorizes the approval of Shared Services Agreements by Resolution; and

**WHEREAS**, the Mayor and Council have reviewed the proposed Shared Services Agreement for Dispatch Services for a five (5) year period; and

**WHEREAS**, the term of this agreement shall be for five (5) years, commencing on May 16, 2021; and

**WHEREAS**, this agreement may be extended by mutual agreement of the parties for up to two (2) additional one year terms; and

**WHEREAS**, the Borough's net cost under this agreement is \$196,630 for the first year of service, and an annual increase in the amount of 2.0% above the prior year's fee for 2022, 2023, 2024 and 2025; and

**WHEREAS** funds for this expenditure will be made available in the 2022, 2023, 2024 and 2025 budgets;

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

1. The Shared Services Agreement with the Township of East Windsor for Dispatch Services for a 5 year period is hereby approved, in accordance with the provisions of N.J.S.A. 40:65-1 et seq.
2. The Mayor and Borough Clerk are hereby authorized and directed to execute the agreement for same.
3. This agreement is approved subject to the provision of adequate funds in the Borough's 2022, 2023, 2024 and 2025 budgets.

**EXECUTIVE SESSION**

**Resolution 063 Authorizing a Meeting that Excludes the Public**

Moved by Councilmember Fowler; Seconded by Councilmember Cicalese.

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

Ordinance adopted 6-0.

Resolution 2021-063

*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 April 5, 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 – 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 July 5, 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 Musing moved to adjourn to executive session at 6:54 p.m.; Councilmember Fowler seconded. All ayes.

Council reconvened to public session at 7:57 p.m.

**ADJOURNMENT**

Moved by Councilmember Cicalese at 7:58; Seconded by Councilmember Jackson.

Respectfully Submitted,

Margaret M. Riggio  
Deputy Borough Clerk