

Meeting Minutes
Hightstown Borough Council
May 17, 2021
6:30 p.m.

The meeting was called to order by Mayor Quattrone at 6:30 p.m. and he read the Open Public Meetings Act statement which stated, “Adequate notice of this meeting has been given in accordance with the Open Public Meetings Act, pursuant to Public Law 1975, Chapter 231. Said notice was sent to the *Trenton Times* and the *Windsor-Hights Herald*, and is posted on the Borough website.” Do to COVID-19 and self-distancing protocols, this meeting was held remotely through 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 Lawrence Quattrone</i>	✓	

Also in attendance: Debra Sopronyi Borough Clerk/Administrator; Fred Raffetto, Borough Attorney; and Carmela Roberts, Borough Engineer.

The Flag Salute followed roll call.

APPROVAL OF AGENDA

Council President Bluth moved the agenda as presented; Seconded by Councilmember Misiura.

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

Agenda approved 5-0.

APPROVAL OF MINUTES

April 19, 2021 – Public Session

Moved by Councilmember Misiura; Seconded by Councilmember Fowler.

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

Minutes approved 4-0, with one abstention.

April 19, 2021 – Executive Session

Moved by Council President Bluth; Seconded by Councilmember Fowler.

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

Minutes approved 4-0, with one abstention.

May 3, 2021 – Special Meeting Public Session

Moved by Councilmember Jackson; Seconded by Councilmember Cicalese.

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

Minutes approved 5-0.

May 3, 2021 – Executive Session

Moved by Councilmember Fowler; Seconded by Councilmember Misiura.

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

Minutes approved 5-0.

PRESENTATION

Jim Sidelinger, OEM Coordinator for the Borough, addressed Council. He reviewed the changes made by Executive Orders of the Governor noting that guidelines are still in effect. He thanked the Borough Emergency Management Team for their efforts during this lengthy emergency, noting that it has not been easy.

Mayor Quattrone thanked Mr. Sidelinger for all his hard work and support during this most troubling emergency.

George Lang, CFO, arrived during the OEM update and was now present.

ENGINEERING ITEMS

NJDOT Municipal Aid Grant Recommendations

The Borough Engineer reviewed the recommendations for the application for the 2022 Municipal Aid Grant as outlined in her letter of April 30, 2021. There was discussion and it was decided that the Borough Council will await the recommendations of the Complete Streets Committee before making a decision. The Borough Engineer advised that the application is due July 1st and that a decision must be made by the first meeting in June to meet the application deadline.

There was discussion regarding a property owner's fence on Schuyler Avenue and whether it will interfere with the planned sidewalk on that roadway.

Councilmember Musing arrived during the discussion on the NJDOT Municipal Aid Grant recommendations and was now present.

Improvements to Railroad Avenue and Dey Street

The Borough Engineer advised that she has developed the various concepts in her letter of May 3, 2021, and update provided May 13, 2021, for the Railroad Avenue and Dey Street improvements in coordination with the new municipal facilities. She reviewed each concept and its difficulties, noting that she is awaiting comments from the Environmental Commission, Parks & Recreation Commission and Complete Streets Committee. There was discussion.

Councilmember Musing arrived at 7pm, during this discussion, and was now present.

Bond Ordinance for Bennett, Hasuer, and Prospect Project

The Borough Engineer reviewed the grant funding for this project noting that there are water and sewer improvements also needed. The CFO noted that the sewer improvement needs are not yet known so the amount of the required ordinance cannot be established at this time.

The Borough Engineer advised that the supplemental to the bond ordinance for the Springcrest project is still needed.

Mayor Quattrone opened a special public comment period related to the Engineering items and the following individuals spoke:

Pam Baur, 603 Summit St. – Opposed the driveway being proposed at the rear of the property at 230 Mercer Street and exiting onto Railroad Avenue.

Stacey Judge, Parks & Recreation Commission Chair - Opposed the driveway being proposed at the rear of the property at 230 Mercer Street and exiting onto Railroad Avenue due to its proximity to Dawes Park.

Alexander Pineda – Requested the installation of speed bumps on Lincoln Avenue and noted speeding and illegal parking as issues existing since the roadway has been improved.

Caroline Muhindi, 111 Morrison Avenue - Opposed any use of the driveway being proposed at the rear of the property at 230 Mercer Street and exiting onto Railroad Avenue, except by the Police.

Alicia Morris, Morrison Avenue – Echoed the other Residents' comments.

Stephanie Spann, 115 Morrison Avenue – Agreed with previous comments.

Jan Guthrie, 425 Stockton Street – Spoke regarding the need for sidewalks at the portion of Stockton Street between Oak Lane and Route 130.

Joe Pasch, 118 Dey St. - Opposed the driveway being proposed at the rear of the property at 230 Mercer Street and exiting onto Railroad Avenue.

Eugene Serafin, 628 S. Main St. – Spoke regarding people wanting improvements but not in their back yard.

Stacey Judge, 307 Morrison Avenue – Commented that safety issues already exist in the area.

Edward Sativa Grimes, sativa cross.org – Commented that he is an advocate for crosswalks and ADA compliance and enforcement is essential since vehicles do not stop.

PUBLIC COMMENT

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

Eugene Serafin, 628 S. Main St – Commented that this is going to be a long meeting.

Marina Rebmann, 3 Berelle Sq., Parlin, NJ - Spoke about the difficulties of being handicapped and the importance of ADA compliance.

Jan Guthrie, 425 Stockton St. – Reiterated her disappointment with the lack of sidewalk improvements on her area Stockton Street.

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

ORDINANCES

Ordinance 2021-06 Final Reading and Public Hearing – An Ordinance Prohibiting the Operation of Any Class of Cannabis Businesses within the Geographical Boundaries of the Borough of Hightstown in Mercer County, New Jersey, and Amending and Supplementing Chapter 28, Entitles “Zoning,” of the Revised General Ordinances of the Borough, In Order to Establish a New Section Thereof to be Known as Section 28-12, Entitled “Cannabis.”

Mayor Quattrone opened the Public Hearing for Ordinance 2021-06 and the following individuals spoke:

Hugh Giordano, 57 Argyle, Blackwood, NJ (UFCW Local 152 Rep.) – Spoke in support of cannabis business noting medical benefits and the availability of local unionized jobs the market creates; offered to set up a tour of the Garden State Facility.

Jeff King, 25 Elizabeth Parkway, Eatontown, NJ – Spoke in support of cannabis business noting the medical benefit.

Alexander Pineda, Lincoln Avenue – Spoke in support of cannabis business noting medical and tax benefits.

Storm Lewis, 14 Ellwood Road & Borough Business Owner - Spoke in support of the previous comments.

Geoff Trapp, 115 South Street – Spoke in opposition of the ordinance and in support of cannabis business.

Marina Rebmann, 3 Berelle Sq., Parlin, NJ - Spoke about the difficulties of being handicapped and the medical assistance offered her by cannabis.

Jessica Nicholas, 115 S. 14th Ave., Manville, NJ – Reviewed the current legislation and voting statistics; encouraged the Borough’s research.

Edward Sativa Grimes, sativa cross.org – Spoke regarding disabilities and medical cannabis; read a quote from the Bible.

Joanna Jackson, 149 N. Academy St. – Spoke in opposition of the ordinance and in support of cannabis business.

Eugene Serafin, 628 S. Main St – Spoke in support of the ordinance and Council’s decision to research the matter before making any decisions.

The Borough Engineer was excused from the meeting at this time and departed the meeting.

Beth Watkins, 314 Lincoln Ave. – Commented that the Council should do their research before they opt out; the Borough will miss out because all the licenses will be gone.

Stephanie Spann, 115 Morrison Ave. – Read portions of the Master Plan about attracting businesses and commented that this could be accomplished by allowing these businesses.

Jessica Nicholas, 115 S. 14th Ave., Manville, NJ – Reviewed the designation of allowed locations in the legislation and noted there are options.

Terry Parliaros, 2 Spruce Court – Commented that this business is the opportunity for growth and Council should develop the guidelines now.

There being no further comments, Mayor Quattrone closed the public hearing on ordinance 2021-06.

Moved for Adoption by Councilmember Misiura; Seconded by Councilmember Musing.

Discussion ensued.

Councilmember Jackson read the following statement:

“I just want to be clear that this is my opinion and not a report from the cannabis subcommittee. In a few minutes we will vote on an ordinance to prohibit cannabis businesses in Hightstown. It’s no secret that I am in favor of allowing cannabis businesses to operate in borough. This measure was approved by over 70 percent of voters, when talking to people in town I hear nothing but support for allowing these businesses in town. With this much public support it’s difficult to see this as anything other than a mandate from the voters. It’s easy to see that the voters want this.

I agree that there are many unanswered questions about how these businesses will operate, but I still see very few if any negatives with allowing them to open.

I view this through an economic lens. We will collect 2% tax on each sale of cannabis. This may not sound like much but over time the potential to increase revenue for the borough is there. As we speak there are people who are ready to open cannabis businesses in the borough.

No matter what decision we make tonight, cannabis delivery will be available in Hightstown. Allowing for the sale of cannabis in the borough will keep that tax revenue in the town.

I see cannabis and alcohol in the same light except for the fact that alcohol is far more dangerous than cannabis, I imagine cannabis will come to be regulated in much the same way alcohol is regulated. The brewery was opened with little to no opposition and has become one of the most successful businesses in the borough. We can and should use this opportunity to do the same thing for cannabis. I think it’s hypocritical to use alcohol and at the same time be opposed to cannabis use.

The idea that allowing cannabis sales in Hightstown will attract an unsavory client base is ridiculous. The people using cannabis are already here in the borough. They are your neighbors and in some cases your family and friends.

The state will only allow for a certain number of licenses to be issued. If we drag our feet we will miss this opportunity.

This will probably be one of the most consequential votes this council makes. I don’t want to be on the wrong side of that vote. I think this is a good thing for Hightstown, that’s why I will be voting against this ordinance tonight.”

Councilmember Misiura thanked everyone for their comments and noted there were good points made; this is not about whether we are for or against a cannabis business, it is a technical issue. He then read the options from the Planner's memo to the Planning Board on the matter, noting that time is needed to prepare a zoning ordinance to regulate the business. He stated that it was important to respect everyone's rights and the ordinance should be tailored for Hightstown and we want to do it right. He encouraged the members of Council to vote for the ordinance.

Councilmember Cicalese stated that he was reassured by the comments he has heard and that the problem with the legislation is timing. He noted his original intent was to vote against this ordinance but is now convinced that this is the only way to move forward without compromising the Borough. He noted that the memo from the Planner is available to the public in the packet for tonight's meeting if they would like to review the comments in full.

Councilmember Musing thanked everyone for attending the meeting and commented that it is frustrating that this item was put on the ballot with no direction on implementation; guidance is being given the same way. He stated that this does not mean we do not want this business, but we do not want to give up our land regulations regarding the matter either. Hightstown wants to be a destination town, but this is new, and the subcommittee (of which he is a member) is performing due diligence to study the matter. Most towns in New Jersey have opted out pending investigations; New Jersey's upper Government Officials should have been better prepared. The Borough will revisit the matter after the subcommittee performs their research.

Council President Bluth thanked everyone for attending and their comments noting they have been heard. There is not enough information to make an informed decision, so she will be voting to opt-out for now.

Councilmember Fowler noted that she is also a member of the subcommittee and thanked everyone for their comments. She is personally in favor of cannabis business and is hopeful proper guidance will be forthcoming soon. She, too, will be voting to opt out at this time.

Mayor Quattrone thanked everyone for their comments and noted that it was educational. He added that it takes time to do things properly and that the subcommittee may be ready by August, but they are performing due diligence and it will take time.

Roll Call Vote: Councilmembers Bluth, Cicalese, Fowler, Misiura and Musing voted yes. Councilmember Jackson voted no.

Ordinance adopted 5-1.

Ordinance 2021-06

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

AN ORDINANCE PROHIBITING THE OPERATION OF ANY CLASS OF CANNABIS BUSINESSES WITHIN THE GEOGRAPHICAL BOUNDARIES OF THE BOROUGH OF HIGHTSTOWN IN MERCER COUNTY, NEW JERSEY, AND AMENDING AND SUPPLEMENTING CHAPTER 28, ENTITLED "ZONING," OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH, IN ORDER TO ESTABLISH A NEW SECTION THEREOF TO BE KNOWN AS SECTION 28-12, ENTITLED "CANNABIS."

WHEREAS, in 2020 New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called “cannabis” for adults at least 21 years of age; and

WHEREAS, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” (the “Act”), which legalizes the recreational use of marijuana by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

WHEREAS, the Act establishes six marketplace classes of licensed businesses, including:

- Class 1 Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;
- Class 2 Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;
- Class 3 Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;
- Class 4 Cannabis Distributer license, for businesses involved in transporting cannabis plants in bulk from on licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;
- Class 5 Cannabis Retailer license for locations at which cannabis items and related supplies are sold to consumers; and
- Class 6 Cannabis Delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchases items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer.

WHEREAS, section 31a of the Act authorizes municipalities by ordinance to adopt regulations governing the number of cannabis establishments (defined in section 3 of the Act as “a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer”), cannabis distributors or cannabis delivery services allowed to operate within their boundaries, as well as the location manner and times operation of such establishments, distributors or delivery services, and establishing civil penalties for the violation of any such regulations; and

WHEREAS, section 31b of the Act authorizes municipalities by ordinance to prohibit the operation of any one or more classes of cannabis establishments, distributors, or delivery services anywhere in the municipality; and

WHEREAS, section 31b of the Act also stipulates, however, that any municipal regulation or prohibition must be adopted within 180 days of the effective date of the Act (*i.e.*, by August 22, 2021); and

WHEREAS, pursuant to section 31b of the Act, the failure to do so shall mean that for a period of five years thereafter, the growing, cultivating, manufacturing, selling and reselling of cannabis and cannabis items shall be permitted uses in all industrial zones, and the retail selling of cannabis items to consumers shall be a conditional use in all commercial and retail zones; and

WHEREAS, at the conclusion of the initial and any subsequent five-year period following a failure to enact local regulations or prohibitions, the municipality shall again have 180 days to adopt an ordinance regulating or

prohibiting cannabis businesses, but any such ordinance would be prospective only and would not apply to any cannabis business already operating within the municipality; and

WHEREAS, the Borough Council of the Borough of Hightstown (the “Borough”), in the County of Mercer, and State of New Jersey, has determined that, due to present uncertainties regarding the potential future impacts that allowing one or more classes of cannabis business might have on New Jersey municipalities in general, and on the Borough in particular, it is at this time necessary and appropriate, and in the best interest of the health, safety and welfare of the Borough’s residents and members of the public who visit, travel, or conduct business in the Borough, to prohibit all manner of marijuana-related land use and development within the geographic boundaries of the Borough, and to amend the Borough’s zoning regulations accordingly; and

WHEREAS, officials from two prominent non-profit organizations that have been established for the purpose of advising New Jersey municipalities on legal matters such as have been presented by the Act (those organizations being the New Jersey State League of Municipalities and the New Jersey Institute of Local Government Attorneys) have strongly urged that, due to the complexity and novelty of the Act; the many areas of municipal law that are or may be implicated in decisions as to whether or to what extent cannabis or medical cannabis should be permitted for land use purposes or otherwise regulated in any particular municipality; and the relatively short duration in which the Act would allow such decisions to be made before imposing an automatic authorization of such uses in specified zoning districts subject to unspecified conditions, the most prudent course of action for all municipalities, whether or not generally in favor of cannabis or medical cannabis land development and uses, would be to prohibit all such uses within the Act’s 180-day period in order to ensure sufficient time to carefully review all aspects of the Act and its impacts.

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

Section 1. That, pursuant to section 31b of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16) (the “Act”), all cannabis establishments, cannabis distributors and/or cannabis delivery services, as those terms are defined in the Act, are hereby prohibited from locating and/or operating anywhere within the geographical boundaries of the Borough, except that the delivery of cannabis items and related supplies by a delivery service within the Borough shall be permitted.

Section 2. That Chapter 28, entitled “Zoning,” of the Revised General Ordinances of the Borough of Hightstown (the “Borough Code”) is hereby amended and supplemented in order to establish a new Section thereof, to be known as Section 28-12, entitled “Cannabis,” as follows:

Section 28-12

CANNABIS

Subsections:

28-12-1 Scope and Purpose; Authority.

28-12-2 Cannabis Operations Prohibited.

Subsection 28-12-1 Scope and Purpose; Authority.

The purpose of this ordinance is to prohibit, within the geographical boundaries of the Borough, the location and/or operation of all classes of cannabis establishments or cannabis distributors or cannabis delivery services, as said terms are defined in section 3 of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16) (the “Act”), but not the delivery of cannabis items and related supplies by a delivery service.

This ordinance is adopted pursuant to the authority set forth in section 31b of the Act.

Subsection 28-12-2 Cannabis Operations Prohibited.

The location and/or operation of all classes of cannabis establishments or cannabis distributors or cannabis delivery services, as said terms are defined in section 3 of the Act, but not the delivery of cannabis items and related supplies by a delivery service, is hereby prohibited within the geographical boundaries of the Borough.

Section 3. That this Ordinance shall become effective immediately upon final passage and publication in accordance with the law.

Section 4. That all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 5. That, 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.

2021-07 First Reading and Introduction – An Ordinance Amending and Supplementing Chapter 4, Entitled Licensing,” of the “Revised General Ordinances of the Borough of Hightstown, New Jersey,” Relating to Peddlers, Solicitors and Canvassers

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

The Borough Administrator gave an overview of the purpose of the ordinance.

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

Ordinance introduced 6-0; public hearing to be held June 7, 2021.

ORDINANCE 2021-07
BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 4, ENTITLED “LICENSING,” OF THE “REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN, NEW JERSEY,” RELATING TO PEDDLERS, SOLICITORS AND CANVASSERS

WHEREAS, the existing licensing regulations of the Borough of Hightstown (the “Borough”) as pertains to peddlers, solicitors and canvassers are set forth in Chapter 4, entitled “Licensing,” 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 a resident’s right to privacy and quiet as pertains to peddlers, solicitors and canvassers.

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 4, entitled “Licensing,” Section 4-2, entitled “Peddlers”, and Section 4-3, entitled “Solicitors and Canvassers”, of the “Revised General Ordinances of the Borough of Hightstown, New Jersey,” are hereby amended and supplemented by adding the following:

DO NOT SOLICIT LIST

A. All residents of the Borough may register their name and address with the Borough Clerk together with a request to be placed on the “Do-Not-Solicit” list to be maintained by the Borough. The list shall register residents who do not wish to be approached at their residence or within the perimeter of their property by any peddler, solicitor or canvasser without exception.

B. All residents who have registered on the “Do-Not-Solicit” list may obtain from the Borough Clerk at no charge a sticker for display on their property warning that the property is on a No-Solicit list. Display of a sticker is not required for enforcement of the “Do-Not-Solicit” ban.

C. It shall be unlawful for a peddler, solicitor or canvasser to approach or seek personal contact with the occupant of any residence either at the residence or within the perimeter of the property if the residence is registered on an applicable “Do-Not-Solicit” list. All nonprofit, religious, or political groups canvassing exclusively door-to-door shall be exempt from the prohibitions of this section.

D. All peddlers, solicitors and canvassers shall be required to obtain the most current applicable “Do-Not-Solicit” list from the Borough Clerk when acquiring their license to operate.

E. Violation of this ordinance shall be a \$100 fine and revocation of the license to operate in the Borough. Revocation of the license shall be applicable to the company to which the license is issued and includes all employees working under same.

F. Residents shall remain on the Do-Not-Solicit list until they request to be removed or move from the registered address.

G. The Borough Clerk shall maintain the “Do-Not-Solicit” list and provide a current copy to all who receive a license as a peddler, solicitor or canvasser. The Clerk shall thereafter provide these individuals with updated copies of the lists upon request.

H. This ordinance shall not be applicable to non-profit and/or political groups

I. The Borough Clerk shall also maintain copies of the lists on the Borough website.

J. The Police Department shall be responsible for enforcement of this ordinance and the Borough Clerk shall forward copies of the lists and list updates to the Chief of Police for enforcement purposes.

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 2021-078 Authorizing Payment of Bills

Moved by Councilmember Cicalese; Seconded by Councilmember Fowler.

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

Resolution adopted 5-0 with one abstention.

Resolution 2021-078

*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 \$200,796.79 from the following accounts:

Current		\$76,011.04
W/S Operating		91,872.25
General Capital		19,495.50
Water/Sewer Capital		13,418.00
Grant		0.00
Trust		0.00
Unemployment Trust		0.00
Animal Control		0.00
Law Enforcement Trust		0.00
Tax Lien Trust		0.00
Public Defender Trust		0.00
Escrow		<u>0.00</u>
Total		<u>\$200,796.79</u>

CONSENT AGENDA

Councilmember Fowler moved Resolutions 2021-079; 2021-080 and 2021-081 as a Consent Agenda; Councilmember Cicalese seconded.

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

Resolutions adopted 6-0.

Resolution 2021-079

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

RESOLUTION OF THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY, DETERMINING THE FORM AND OTHER DETAILS OF ITS “NOTE RELATING TO THE CONSTRUCTION FINANCING LOAN PROGRAM OF THE NEW JERSEY INFRASTRUCTURE BANK”, TO BE ISSUED IN THE PRINCIPAL AMOUNT OF UP TO \$1,435,000, AND PROVIDING FOR THE ISSUANCE AND SALE OF SUCH NOTE TO THE NEW JERSEY INFRASTRUCTURE BANK, AND AUTHORIZING THE EXECUTION AND DELIVERY OF SUCH NOTE BY THE BOROUGH IN FAVOR OF THE NEW JERSEY INFRASTRUCTURE BANK, ALL PURSUANT TO THE NEW JERSEY INFRASTRUCTURE BANK CONSTRUCTION FINANCING LOAN PROGRAM.

WHEREAS, the Borough of Hightstown, in the County of Mercer (the “Local Unit”), New Jersey, is making improvements to its drinking water infrastructure including, but not limited to, the replacing and relining of the water mains within the Borough, including all work and materials necessary therefor and incidental thereto (the “Project”), and it is the desire of the Local Unit to obtain financing for such Project through participation in the environmental infrastructure financing program (the “New Jersey Water Bank”) of the New Jersey Infrastructure Bank (the “I-Bank”);

WHEREAS, the Local Unit has previously determined to temporarily finance the undertaking of the Project through two bond anticipation notes issued to fund the Project in part (the “Notes”) and which Notes mature on December 8, 2021; and

WHEREAS, the Local Unit has determined to prepay the Notes and undertake a subsequent proposed temporary financing with the proceeds of a short-term loan to be made by the I-Bank (the “Construction Loan”) to the Local Unit within 90 days of the prepayment of the Notes, pursuant to the Construction Financing Loan Program of the I-Bank (the “Construction Financing Loan Program”);

WHEREAS, in order to (i) evidence and secure the repayment obligation of the Local Unit to the I-Bank with respect to the Construction Loan and (ii) satisfy the requirements of the Construction Financing Loan Program, it is the desire of the Local Unit to issue and sell to the I-Bank the “Note Relating to the Construction Financing Loan Program of the New Jersey Infrastructure Bank” in an aggregate principal amount of up to \$1,435,000 (the “Note”);

WHEREAS, it is the desire of the Local Unit to authorize, execute, attest and deliver the Note to the I-Bank pursuant to the terms of the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the Revised Statutes of the State of New Jersey (the “Local Bond Law”), and other applicable law; and

WHEREAS, Section 28 of the Local Bond Law allows for the sale of the Note to the I-Bank, without any public offering, and N.J.S.A. 58:11B-9 allows for the sale of the Note to the I-Bank without any public offering, all under the terms and conditions set forth therein.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Local Unit as follows:

Section 1. In accordance with Section 28 of the Local Bond Law and N.J.S.A. 58:11B-9, the Local Unit hereby authorizes the issuance, sale and award the Note in accordance with the

provisions hereof. The obligation represented by the Note has been appropriated and authorized by bond ordinance 2017-010 finally adopted on August 21, 2017, as supplemented by bond ordinance 2019-09 finally adopted on June 17, 2019 (collectively, the “Bond Ordinance”) authorizing an aggregate amount of \$1,435,000 of bond, and any notes issued in anticipation thereof, for the Project. A quorum was present and acted throughout the Bond Ordinance, all pursuant to the terms of the Local Bond Law and other applicable law.

Section 2. The Chief Financial Officer of the Local Unit (the “Chief Financial Officer”) is hereby authorized to determine, in accordance with the Local Bond Law and pursuant to the terms and conditions hereof, (i) the final principal amount of the Note (subject to the maximum limitation set forth in Section 4(a) hereof), and (ii) the dated date of the Note.

Section 3. Any determination made by the Chief Financial Officer pursuant to the terms hereof shall be conclusively evidenced by the execution and attestation of the Note by the parties authorized pursuant to Section 4(h) hereof.

Section 4. The Local Unit hereby determines that certain terms of the Note shall be as follows:

- (a) the principal amount of the Note to be issued shall be an amount up to \$1,435,000;
- (b) the maturity of the Note shall be as determined by the I-Bank;
- (c) the interest rate of the Note shall be as determined by the I-Bank;
- (d) the purchase price for the Note shall be par;
- (e) the Note shall be subject to prepayment prior to its stated maturity in accordance with the terms and conditions of the Note;
- (f) the Note shall be issued in a single denomination and shall be numbered “CFP-2021-1”;
- (g) the Note shall be issued in fully registered form and shall be payable to the registered owner thereof as to both principal and interest in lawful money of the United States of America; and
- (h) the Note shall be executed by the manual or facsimile signatures of the Mayor and the Chief Financial Officer under official seal or facsimile thereof affixed, printed, engraved or reproduced thereon and attested by the manual signature of the Local Unit Clerk.

Section 5. The Note shall be substantially in the form provided by the I-Bank.

Section 6. The law firm of McManimon, Scotland and Baumann, LLC is hereby authorized to arrange for the printing of the Note, which law firm may authorize McCarter & English, LLP, bond counsel to the I-Bank for the Construction Loan Financing Program, to arrange for same.

Section 7. The Authorized Officers of the Local Unit are hereby further severally authorized to (i) execute and deliver, and the Local Unit Clerk is hereby further authorized to attest to such execution and to affix the corporate seal of the Local Unit to, any document, instrument or closing certificate deemed necessary, desirable or convenient by the Authorized Officers or the Secretary of the Local Unit, as applicable, in their respective sole discretion, after consultation with counsel and any advisors to the Local Unit and after further consultation with the I-Bank and its representatives, agents, counsel and advisors, to be executed in connection with the issuance and sale of the Note and the participation of the Local Unit in the Construction Financing Loan Program, which determination shall be conclusively evidenced by the execution of each such certificate or other document by the party authorized hereunder to execute such certificate or

other document, and (ii) perform such other actions as the Authorized Officers deem necessary, desirable or convenient in relation to the execution and delivery of the Note and the participation of the Local Unit in the Construction Financing Loan Program and to prepay the Notes.

Section 8. This resolution shall take effect immediately.

Section 9. Upon the adoption hereof, the Local Unit Clerk shall forward certified copies of this resolution to McManimon, Scotland & Baumann, LLC, bond counsel to the Local Unit, David Zimmer, Executive Director of the I-Bank, and Richard T. Nolan, Esq., McCarter & English, LLP, bond counsel to the I-Bank.

Resolution 2021-080

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

**MAKING AND CONFIRMING APPOINTMENTS TO THE HIGHTSTOWN
BOROUGH ENVIRONMENTAL COMMISSION**

BE IT RESOLVED that the following appointment to the Hightstown Borough Environmental Commission is hereby made and confirmed by the Mayor and Council of the Borough of Hightstown:

Haritha Chityala	Ux. 2 yrs.	December 31, 2021
Joseph Studholme	Ux. 2 yrs.	December 31, 2021

Resolution 2021-081

*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>THIS RESOLUTION</i>	<i>PREVIOUS TOTAL</i>	<i>CUMULATIVE TOTAL</i>
Current	387,700.00	982,497.00	1,370,197.00

Capital Outlay – Current	0.00	0.00	0.00
Debt Service – Current	0.00	0.00	0.00
Water/Sewer	140,000.00	477,966.00	617,966.00
Capital Outlay – W/S	0.00	0.00	0.00
Debt Service - W/S	0.00	0.00	0.00
TOTAL	527,700.00	1,460,463.00	1,988,163.00

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.

Borough of Hightstown
Emergency Temporary No. 4
5/17/2021

SCHEDULE "A"

Current Fund

Mayor and Council	Salaries and Wages	4,400.00
Municipal Clerk	Salaries and Wages	6,000.00
Financial Administration	Salaries and Wages	3,000.00
Municipal Court	Salaries and Wages	2,000.00
Planning Board	Other Expenses	4,000.00
Group Health Insurance	Other Expenses	60,000.00
Workers Compensation	Other Expenses	13,600.00
Police	Salaries and Wages	200,000.00
Solid Waste	Salaries and Wages	10,000.00
Buildings and Grounds	Salaries and Wages	4,000.00
Buildings and Grounds	Other Expenses	12,000.00
Recycling	Salaries and Wages	5,000.00
Board of Health	Salaries and Wages	7,000.00
Parks and Recreation	Salaries and Wages	3,000.00
Landfill	Other Expenses	25,000.00
Uniform Construction Code	Salaries and Wages	11,000.00
Housing Code Enforcement	Salaries and Wages	6,000.00
Social Security	Other Expenses	7,000.00
County Dispatch EMS	Other Expenses	4,700.00
Total Current Fund		<hr/> 387,700.00 <hr/>
Water-Sewer Operating Fund		
Salaries and Wages		90,000.00
Other Expenses		<hr/> 50,000.00 <hr/>

Total Water Sewer Operating	140,000.00
	<hr/>
Total	527,700.00
	<hr/>

OLD BUSINESS

Re-Scheduling of Budget Meetings

After discussion the budget meetings were re-schedule for June 1st and June 10th, both at 6:30pm via Zoom.

SUBCOMMITTEE REPORTS

Ordinance Review – Council President Bluth reported that the Subcommittee was waiting for information from various departments; it has been received and this is a big project. A recommendation is forthcoming.

MAYOR/COUNCIL/ADMINISTRATIVE REPORTS

Councilmember Jackson

HPC – will meet this Thursday.

Councilmember Fowler

Environmental Commission – will meet next week.

Downtown Hightstown - will be having a Hightstown Happening weekend long event June 10 - 13 which will be kicked off by the Historical Society Waking Tour.

Councilmember Misiura

First Aid - will meet this week.

Water/Sewer – He met with the department heads and toured the plants; he suggested other Councilmembers take a tour as well. He noted that these are big operations and the Borough’s responsibility; there is a need for infrastructure work; and performing the needed work during road projects should continue.

Water – The employees have expressed concern with working with fluoride as it is very dangerous; they would like the Borough to reconsider the decision to add fluoride to the water.

Sewer – The AWWTP has some capital requests that must be prioritized.

The bike event went well as part of the bicycle safety program; there has been a noticeable increase in truck traffic recently and this is a regional concern, the County, State and Towns need to put forward a collaborative effort.

Regarding the driveway to the new municipal facility, the initial intent was for police use only never trucks; there were good public comments.

Councilmember Musing

The Cannabis subcommittee appreciates the comments; the plan for the new facility has changed and is worth subcommittee review.

Councilmember Cicalese

Complete Streets – the Committee encourages Residents to reach out, and they understand that truck traffic is an ongoing issue. Complete Streets works with grant funding, and they need to know the issues to fix them, this takes time and money. The bike event was very nice, and good data was collected.

Parks & Recreation – met last week and got an update from OEM.

This weekend is the Borough-wide yard sale and he encouraged everyone to participate.

Council President Bluth

Cultural Arts Commission – will meet this Wednesday.

Borough Administrator/Clerk, Debra Sopronyi

She has been to the area of Stockton Street where the Residents are concerned with the sidewalk and has met with them as well; we are looking for funds to do the project.

The changes in restrictions regarding COVID are encouraging.

Borough Attorney, Fred Raffetto

He is working with the ordinance subcommittee and cannabis subcommittee regarding Borough ordinances.

Mayor Quattrone

The flowers were hung downtown today, thank you to the Garden Club and Public Works.

We hear and appreciate the Stockton Street sidewalk concerns and are searching for funding; the Administrator, CFO and Engineer are working on it.

He is working with Dan Benson to make the toll at exit 8A the same as at 7A which could encourage trucks to go to exit 7A and exit onto 195 to get to their destination.

He likes the work of the Subcommittees, and the ordinances need researching.

ADJOURNMENT

Moved by Councilmember Musing at 9:16 p.m.; Seconded by Councilmember Cicalese. All ayes.

Respectfully Submitted,

Debra L. Sopronyi
Borough Clerk