

Meeting Minutes
Hightstown Borough Council
August 2, 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 Frederick Montferrat</i>	✓	
<i>Mayor Quattrone</i>	✓	

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

The Flag Salute followed roll call.

APPROVAL OF AGENDA

Council President requested that a discussion regarding the NJ DOT Safe Routes to School 2022 Grant be added to Old Business.

Councilmember Bluth moved the agenda as amended.

Roll Call Vote: Councilmember Bluth, Cicalese, Fowler, Jackson, Misiura and Montferrat voted yet.

Agenda approved as amended 6-0.

APPROVAL OF MINUTES

June 17, 2021 – Budget Workshop

Moved by Councilmember Misiura; Seconded by Councilmember Fowler

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

Minutes approved as amended 6-0.

June 21, 2021 – Public Session

Moved by Councilmember Bluth; Seconded by Councilmember Misiura

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

Minutes approved 6-0.

June 21, 2021 – Executive Session

Moved by Councilmember Bluth; Seconded by Councilmember Cicalese.

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

Minutes approved 5-0 with 1 abstention.

OEM UPDATE

Jim Sidelinger, OEM Coordinator informed Council that on July 8, there was a motor vehicle accident at Westerlea and Grape Run. A utility power was taken down and power was lost. It was an exceptionally hot day so a cooling and charging station was opened at the Firehouse. July 29th brought significant rainfall about 5 inches producing flash flooding and heavy washout. It was reported that 8 tornadoes touched down in the area.

COVID Update

We are keeping the Local Emergency Declaration in place. We want to see what happens with the Delta Variant. This variant is extremely contagious. As of June 1, 2021, Hightstown had 811 confirmed cases. To date, 58% of New Jersey is fully vaccinated. Hightstown Borough is 81% fully vaccinated. The Health Department will have a station set up administering vaccines at National Night Out. Covid-19 remains a threat. Mr. Sidelinger thanked everyone on the committee. We have a great team and all worked together.

Mr. Sidelinger departed the meeting at this time.

PUBLIC COMMENT

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

Eugene Sarafin, 628 South Main Street - During the last storm, there was 1-2 feet of water in front of his house across from the Peddie Golf Course. Council needs to reevaluate storm water system. Things are only getting worse.

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

ORDINANCES

Ordinance 2021-09 Final Reading and Public Hearing An Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a Cap Bank (N.J.S.A. 40A:4-45.14)

Mayor Quattrone opened the Public Hearing for Ordinance 2021-09 and the following individuals spoke:

Eugene Sarafin, 628 South Main Street - Fully supports this ordinance.

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

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

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

Ordinance adopted 6-0.

Ordinance 2021-09

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

AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, *N.J.S. 40A: 4-45.1 et seq.*, provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 1.0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

WHEREAS, *N.J.S.A. 40A: 4-45.15a* provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

WHEREAS, the Mayor and Council of the Borough of Hightstown in the County of Mercer finds it advisable and necessary to increase its CY 2021 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

WHEREAS, the Mayor and Council hereby determine that a 2.5% increase in the budget for said year, amounting to \$142,846.27 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

WHEREAS, the Mayor and Council hereby determine that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Mayor and Council of the Borough of Hightstown, in the County of Mercer, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2021 budget year, the final appropriations of the Borough of Hightstown shall, in accordance with this ordinance and *N.J.S.A. 40A: 4-45.14*, be increased by 3.5%, amounting to \$199,984.78, and that the CY 2021 municipal budget for the Borough of Hightstown be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, be filed with said Director within 5 days after such adoption.

RESOLUTIONS

Resolution 2021-119 Authorizing Payment of Bills

Moved by Councilmember Jackson; Seconded by Councilmember Cicalese.

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

Resolution adopted 6-0.

Resolution 2021-119
*BOROUGH OF HIGHTSTOWN
 COUNTY OF MERCER
 STATE OF NEW JERSEY*

AUTHORIZING PAYMENT OF BILLS

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the bills be paid on audit and approval of the Borough Administrator, the appropriate Department Head and the Treasurer in the amount of \$1,456,541.62 from the following accounts:

**Resolution
 2021-120
 Appointing a
 Municipal Clerk**

Moved by
 Councilmember
 Bluth; Seconded
 by
 Councilmember
 Fowler.

Current		\$960,357.42
W/S Operating		86,925.02
General Capital		363,173.96
Water/Sewer Capital		258.00
Grant		1,664.05
Trust		0.00
Unemployment Trust		0.00
Animal Control		10.20
Law Enforcement Trust		0.00
Tax Lien Trust		43,100.47
Public Defender Trust		0.00
Escrow		<u>1,052.50</u>
Total		<u>\$1,456,541.62</u>

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

Resolution adopted 6-0.

Resolution 2021-120

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

APPOINTING A MUNICIPAL CLERK

WHEREAS, due to the retirement of Debra L. Sopronyi, a vacancy will exist in the office of Municipal Clerk as of August 31, 2021; and

WHEREAS, N.J.S.A. 40A:9-133 provides that, in every municipality, there shall be a municipal clerk appointed for a three-year term by the governing body of the municipality; and

WHEREAS, Margaret Riggio, has been the Deputy Municipal Clerk since February of 2015; and

WHEREAS, the Mayor and Council wish to appoint Margaret Riggio of East Windsor, New Jersey as Municipal Clerk, effective September 1, 2021; and

WHEREAS, Ms. Riggio is certified by the State of New Jersey as a Registered Municipal Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that Margaret Riggio of East Windsor, New Jersey is hereby appointed as Municipal Clerk for the Borough of Hightstown for a three-year term effective September 1, 2021; and

BE IT FURTHER RESOLVED that Ms. Riggio shall be paid at the rate of \$80,000.00 per year for her duties as Municipal Clerk.

Resolution 2021-121 Appointing a Temporary Qualified Purchasing Agent

Moved by Councilmember Jackson; Seconded by Councilmember Cicalese.

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

Resolution adopted 6-0.

Resolution 2021-121

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

APPOINTING A TEMPORARY QUALIFIED PURCHASING AGENT

WHEREAS, N.J.S.A. 40A:11-9g provides that in the event of a vacancy in the position of Qualified Purchasing Agent, the governing body may appoint a person who does not possess a Qualified Purchasing Agent certificate to serve as a Temporary Purchasing Agent for one year commencing from the date of the vacancy and that that person may be reappointed as a Temporary Purchasing Agent for one additional year following the end of the first temporary appointment; and

WHEREAS, the position of Qualified Purchasing Agent (QPA) will be vacant due to the retirement of Debra L. Sopronyi as of August 31, 2021; and

WHEREAS, the current Deputy Clerk, Margaret Riggio, is enrolled in courses to achieve the Qualified Purchasing Agent certification; and

WHEREAS, the Mayor and Council wish to appoint Margaret Riggio as the Temporary Qualified Purchasing Agent for a one-year term beginning on September 1, 2021 and expiring August 31, 2022.

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

1. Pursuant to N.J.S.A. 40A:11-9g, Margaret Riggio is hereby appointed as Temporary Qualified Purchasing Agent for a one-year term beginning on September 1, 2021 and expiring August 31, 2022; and
2. This appointment maintains the Borough of Hightstown's bid threshold at \$44,000.00.

BE IT FURTHER RESOLVED, that in accordance with N.J.A.C. 5:34-5.2 the Borough Clerk is hereby authorized and directed to forward a certified copy of this resolution to the Director of the Division of Local Government Services.

Resolution 2021-122 Authorizing Payment No. 1 Omsum Engineering (Inspection and Administration Services Associated with Improvement to Stockton Street & Joseph Street)

Moved by Councilmember Montferrat; Seconded by Councilmember Fowler.

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

Resolution adopted 6-0.

Resolution 2021-122

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

AUTHORIZING PAYMENT NO. 1 OMSUM ENGINEERING (INSPECTION AND ADMINISTRATION SERVICES ASSOCIATED WITH IMPROVEMENTS TO STOCKTON STREET & JOSEPH STREET)

WHEREAS, on January 21, 2020, Borough Council awarded a contract for inspections and administration services associated with Improvements to Stockton Street and Joseph Street to Omsum Engineering of Piscataway, New Jersey in an amount not to exceed \$72,692.24; and

WHEREAS, the engineer has submitted a request payment in the amount of \$63,893.60 covering the period of February 1, 2021 – June 20, 2021; and

WHEREAS, the Finance Officer has certified that funds are available for this expenditure.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown a payment in the amount of \$63,893.60 to Omsum Engineering of Piscataway, New Jersey is hereby approved as detailed herein.

Resolution 2021-123 Amending Resolution 2021-092 Authorizing the Borough Engineer to Submit an Application for the 2022 NJDOT Municipal Aid Grant – Improvements to Orchard Avenue, Meadow Drive, Clover Lane and South Main Street

Moved by Councilmember Montferrat; Seconded by Councilmember Cicalese.

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

Resolution adopted 6-0.

Resolution 2021-123

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

**AMENDING RESOLUTION 2021-092 - AUTHORIZING THE BOROUGH ENGINEER
TO SUBMIT AN APPLICATION FOR THE 2022 NJDOT MUNICIPAL AID GRANT –
IMPROVEMENTS TO ORCHARD AVENUE, MEADOW DRIVE, CLOVER LANE,
AND SOUTH MAIN STREET**

WHEREAS, on June 21, 2021, Borough Council adopted Resolution 2021-092 authorizing Borough Engineer, Carmela Roberts, to submit an application for the NJDOT Municipal Aid Grant for Improvements to Orchard Avenue, Meadow Drive, Clover Lane and South Main Street; and

WHEREAS, Borough Council wishes to amend Resolution 2021-092 as follows:

WHEREAS, Borough Council of the Borough of Hightstown formally approve the grant application for the above stated project; and

WHEREAS, the Borough Engineer and the Borough Clerk are hereby authorized to submit an electronic grant application identified as MA-2022-Improvements to Orchard Avenue, Mead-00540; and

WHEREAS, The Mayor and the Borough Clerk are hereby authorized to sign the grant agreement on behalf of Hightstown Borough and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

NOW, THEREFORE BE IT RESOLVED, that Resolution 2021-092 is hereby amended as detailed herein.

CONSENT AGENDA

Councilmember Cicalese moved Resolutions 2021-124, 2021-125 and 2021-126 as a Consent Agenda; Councilmember Bluth seconded.

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

Resolutions adopted 6-0.

Resolution 2021-124

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

**RESOLUTION AMENDING AND CONFIRMING BOROUGH OFFICIAL
APPOINTMENTS EFFECTIVE SEPTEMBER 1, 2021**

WHEREAS, Resolution 2021-06 appointed Borough Officials for the year 2021; and

WHEREAS, due to the retirement of Debra Sopronyi, Borough Administrator/Clerk on August 31, 2021 there is a need to appoint replacement Officials in various capacities in the Borough.

NOW THEREFORE, BE IT RESOLVED that the following appointments are hereby made and confirmed by the Mayor and Council of the Borough of Hightstown effective September 1, 2021.

	<u>Joint Insurance Fund Commissioner</u>	
Dimitri Musing	Unexpired 1 yr.	December 31, 2021
	<u>Assessment Search Officer</u>	
Margaret Riggio	Unexpired 1 yr.	December 31, 2021
	<u>Public Agency Compliance Officer (P.A.C.O.)</u>	
Margaret Riggio	Unexpired 1 yr.	December 31, 2021

Resolution 2021-125

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

**AMENDING RESOLUTION 2021-069 - ESTABLISHING REVISED RATE SCHEDULE
FOR COLLECTION OF GARBAGE FROM CERTAIN LICENSED RETAIL FOOD
ESTABLISHMENTS**

WHEREAS, Resolution 2021-069, adopted by Hightstown Borough Council on April 19, 2021, established a revised rate schedule for collection of garbage from certain licensed retail food establishments pursuant to Section 18-1 of the *Revised General Ordinances of the Borough of Hightstown*; and

WHEREAS, following the adoption of Resolution 2021-069, a new retail food establishment opened on Main Street that should be added to the current rate schedule.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the following retail food establishment be added to the current rate schedule for use of said garbage dumpsters:

Rudy's Catering and Restaurant\$125 per month

and that the above rate shall remain in effect until such time as they are modified by further Resolution of Council.

Resolution 2021-126

*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	160,700.00	1,805,497.00	1,966,197.00
Capital Outlay – Current	0.00	0.00	0.00
Debt Service – Current	0.00	0.00	0.00
Water/Sewer	76,000.00	801,966.00	877,966.00
Capital Outlay – W/S	0.00	0.00	0.00
Debt Service - W/S	0.00	0.00	0.00
TOTAL	236,700.00	2,607,463.00	2,844,163.00

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

8/3/2021

SCHEDULE "A"

Current Fund

Administration	Other Expenses	1,000.00
Mayor and Council	Other Expenses	700.00
Municipal Clerk	Salaries and Wages	15,000.00
Financial Administration	Salaries and Wages	15,000.00
Tax Collector	Salaries and Wages	10,000.00
Engineer	Other Expenses	10,000.00
Police Department	Other Expenses	20,000.00
Streets and Roads	Salaries and Wages	20,000.00
Public Buildings and Grounds	Salaries and Wages	5,000.00
Board of Health	Salaries and Wages	10,000.00
Recreation and Open Space	Salaries and Wages	8,000.00

Landfill	Other Expenses	25,000.00
Uniform Construction Code	Salaries and Wages	8,000.00
Housing Code Enforcement	Salaries and Wages	8,000.00
Roosevelt Shared Service Landfill	Other Expenses	5,000.00
		<hr/>
Total Current Fund		160,700.00
		<hr/>
Water-Sewer Operating Fund		
Salaries and Wages		40,000.00
Other Expenses		40,000.00
Interest on Notes		15,000.00
I Bank Loan Payments		76,000.00
		<hr/>
Total Water Sewer Operating		76,000.00
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Total		236,700.00
		<hr/>

2021 Budget

George Lang, CFO, informed Council that he moved some things around the budget and was able to cut the tax increase from 6.1 cents to 5.1 cents. He really cannot see where to cut any further. He would like to move to introduce this evening.

Councilmembers Bluth and Misiura stated that they support introducing tonight. We need to make up from last year.

Budget moved for introduction by Councilmember Bluth; Seconded by Councilmember Misiura.

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

Budget Introduced 6-0. Public Hearing scheduled for September 7, 2021.

OLD BUSINESS

Stockton Street Sidewalks

Borough Administrator/Clerk, Debra Sopronyi, informed Council that financing for the sidewalk from Oak Lane to the Borough limits can be funded with money from the retaining wall. Council had chosen not to move forward with the retaining wall project at the First Aid building. If Council so chooses, we will need to amend the bond ordinance to reallocate the funds. Mayor Quattrone called for a straw vote to reallocate these funds for the additional sidewalks on Stockton Street. Council unanimously voted to reallocate the funds.

Sewer Infrastructure – Railroad and Dye

Ms. Sopronyi reviewed the Borough Engineer's letter of July 29, 2021. Ms. Roberts had previously asked for water and sewer improvement recommendations for this project. The recommended improvements include abandonment of an existing sewer main on Dey Street and replacement of the main on Railroad Avenue between Center Street and Morrison Avenue. Laterals will be replaced as needed. The total cost for Design, Construction, Administration and Inspection will be \$24,000.00. The estimated construction cost is approximately \$190,000.00

Ms. Roberts needs direction as to whether she should add this work to the project. Discussion ensued. Mayor Quattrone does not believe that this should be added to the project. Councilmember Bluth stated that it seems there is always a need for a substantial amount of money added to grant projects. She is not in favor. Councilmember Misiura stated that he concurs with Mayor Quattrone and Councilmember Bluth. Councilmember Montferrat stated that this does not seem like a problematic area, and it should not be added to this project. Mayor Quattrone called for a straw vote. Council unanimously voted not to include this in the project.

NJ DOT Safe Routes to School Grant – Stockton Street Roundabout

It was stated that Council had given the Borough Engineer to go ahead to move forward with the application for the Stockton Street Roundabout. Borough Administrator, Debra Sopronyi, recently learned that any work done that involves removing improvements recently done through federal funds would have to be repaid to the federal government. Work has just recently been completed on Stockton & Joseph Streets with funds from a Safe Routes to School Grant from 2015. Discussion ensued. Councilmember Misiura inquired what the magnitude of the work that needs to be redone would be. Ms. Sopronyi will speak with the Borough Engineer for an evaluation.

SUBCOMMITTEE REPORTS

Cannabis Subcommittee Update

Subcommittee met with the Superintendent of the East Windsor School District, Headmaster from the Peddie School, Jill Swanson, Health Officer and Police Chief Gendron. The subcommittee proposed that the Borough adopt an ordinance opting back in for licenses 1, 2, 3, 4 and microbusiness licenses before the end of the year. They also suggest a non-binding referendum on the November's General Election Ballot regarding License 5.

We received positive feedback from the questionnaire but only about 200 people responded. They would like the nonbinding referendum to get a better idea what the residents want. Discussion ensued. Council President Bluth and Councilmember Misiura stated that they are in favor of the question on the ballot but not about opting back in yet. We need to wait for the State Regulations.

Councilmember Misiura moved to add a nonbinding referendum question to the November ballot; Councilmember Cicalese seconded.

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

Nonbinding Referendum regarding cannabis to be placed on November ballot 6-0.

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

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE
BOROUGH OF HIGHTSTOWN REQUESTING THE
MERCER COUNTY BOARD OF ELECTIONS TO PLACE A
NON-BINDING PUBLIC QUESTION ON THE
NOVEMBER 2, 2021 GENERAL ELECTION BALLOT.**

WHEREAS, the Mayor and Council of the Borough of Hightstown (the “Borough”) are interested in ascertaining the sentiment of the legal voters of the Borough relating to the potential establishment and location of an adult-use (recreational) “cannabis retailer” business or businesses within the Borough, in accordance with the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act,” which was signed into law by Governor Murphy on February 22, 2021, as P.L. 2021, c.16; and

WHEREAS, an adult-use (recreational) “cannabis retailer” business would hold a “Class 5” license issued by the State Cannabis Regulatory Commission, with the approval of the Borough, for the retail sale of cannabis items and related supplies to consumers (also referred to as a “dispensary”) for adult-use/recreational purposes, and be subject to a local cannabis tax which shall be paid directly to the Borough in an amount to be set by the Mayor and Council which shall not exceed two percent (2%) of the receipts on each sale; and

WHEREAS, pursuant to N.J.S.A. 19:37-1, et seq., the governing body of any municipality may ascertain the sentiment of the legal voters of the municipality upon any question or policy pertaining to the government of the municipality through a non-binding referendum question to be placed on the ballot at the next ensuing general election; and

WHEREAS, in order to initiate the process, the municipality must adopt an Ordinance or Resolution to authorize the placement of the non-binding referendum question on the ballot, and must forward same to the Clerk of the County Board of Elections, in accordance with the time requirements set forth in N.J.S.A. 19:37-1, et seq.; and

WHEREAS, the Mayor and Council of the Borough wish to initiate said process, as set forth above, through the adoption of the within Resolution.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Mayor and Council of the Borough of Hightstown, in the County of Mercer and State of New Jersey, that the following Non-Binding Public Question shall be placed upon the ballot at the next general election to be held on November 2, 2021:

NON-BINDING PUBLIC QUESTION:

Should the Mayor and Council of the Borough of Hightstown adopt an Ordinance to permit the establishment and location of one or more “cannabis retailer” businesses (also known as “dispensaries”) to operate within the Borough for the retail sale of cannabis items and related supplies to consumers for adult-use/recreational purposes, which sales shall be subject to a local cannabis tax which shall be paid directly to the Borough in an amount to be set by the Mayor and Council not exceeding two percent (2%) of the receipts on each sale?

INTERPRETIVE STATEMENT:

A “yes” vote on this Question will exhibit the voter’s approval of the proposition to allow for the establishment and location of one or more “cannabis retailer” businesses (also known as “dispensaries”) to operate within the Borough for the retail sale of cannabis items and related supplies to consumers for adult-use/recreational purposes.

The results of this non-binding referendum question will inform the Mayor and Council of the sentiments of the legal voters of the Borough on this issue.

If the proposition is approved by a majority of the voters, the Mayor and Council may thereafter, but shall not be required to, adopt an Ordinance to permit “cannabis retailer” businesses which have received a “Class 5” license from the State Cannabis Regulatory Commission, with the approval of the Borough, to operate within the Borough for the retail sale of cannabis items and related supplies to consumers for adult-use/recreational purposes. Any such Ordinance shall include the establishment of a local cannabis tax which shall be paid directly to the Borough in an amount to be set by the Mayor and Council not exceeding two percent (2%) of the receipts on each sale.

A “no” vote will exhibit the voter’s disapproval of the above proposition.

Either way, the results of the vote shall not be binding upon the Mayor and Council of the Borough of Hightstown.

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

- a. Mercer County Clerk;
- b. Mercer County Board of Elections; and
- c. Frederick C. Raffetto, Esq., Municipal Attorney

MAYOR/COUNCIL/ADMINISTRATIVE REPORTS

Councilmember Cicalese

Parks & Rec - Approved basketball hoops and padding and poles at Dawes Park. They approved Park Use applications for National Night Out and the Latino Festival.

Councilmember Misiura

Complete Streets - Residents from North Main Street attended the last meeting. There was a lively discussion about the issue of trucks on North Main Street speeding.,

Cultural Arts Commission - Theatre in the Park - Kerri Peter, who started the program will be moving to Texas. This is year last year with the program. He wished her the best of luck.

Towing Charges - Working with Mayor Quattrone to ensure that towing company charges are in line with the Borough Ordinance.

Councilmember Fowler

Environmental Commission - met last week. The Watershed gave a presentation regarding stormwater management.

Councilmember Montferrat

Construction Department - met with George Chin and Dave Bell regarding rental inspection and inspection fees. They would like to see an increase in the fees.

Council President Bluth

National Night Out tomorrow night 6:00 - 8:30 at Association Park

Dimitri Musing

Spoke about the rain and flooding last week.

Towing ordinance - He is looking into the ordinance and will report back to Council.

Mayor Quattrone

Kerri Peterson - He recognized her at the first night of performances this past weekend. She was a wonderful asset to the town and she will be missed.

Budget - Thanked Mr. Lang for his work on the budget.

EXECUTIVE SESSION

Resolution 2021-127 Authorizing a Meeting that Excludes the Public

Moved by Councilmember Montferrat; Seconded by Councilmember Jackson.

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

Resolution adopted 6-0.

Resolution 2021-127

*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 August 2, 2021 via 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:

Personnel – Tax Collector

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 November 2, 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 Cicalese moved to adjourn to Executive Session at 8:14 p.m.; Seconded by Councilmember Fowler. All ayes.

Council returned to public session at 8:47 p.m.

ADJOURNMENT

Councilmember Jackson moved to adjourn at 8:48 p.m.; Councilmember Cicalese seconded. All ayes.

Respectfully Submitted,

Margaret M. Riggio
Deputy Borough Clerk