

Meeting Minutes
Hightstown Borough Council
October 18, 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, Borough Clerk; Dimitri Musing, Borough Administrator and Fred Raffetto, Borough Attorney.

The Flag Salute followed roll call.

APPROVAL OF AGENDA

Moved by Councilmember Montferrat; Seconded by Councilmember Cicalese.

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

Agenda approved: 6-0

PRESENTATIONS

Greg Ciano 300th Anniversary Celebration

Greg Ciano spoke regarding a 301st Anniversary Celebration where the whole town could come together to celebrate. All businesses and associations can organize the event. He would like to see Main Street closed from Bank Street to Ward Street. He stated that he would like to be part of the organizing committee. Discussion ensued. Council liked the idea. Councilmembers Bluth and Cicalese were the subcommittee for the 300th Anniversary Celebration. Due to the Covid-19 Pandemic, all discussions for celebrations were put on hold. Mr. Ciano and Mark Fenton from Handmade Art Studios will join the committee. The committee will discuss ideas and dates and come back to Council with proposed ideas.

PUBLIC COMMENT

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

Eugene Sarafin, 628 South Main Street - Spoke against the Republican party. Stated that he is interested in hearing about the new phone system.

Billy Bullock, 5 Pershing Avenue - Spoke about the increase in commercial bus traffic creating noise issues. He had put a call into Michael's Transportation. He had the opportunity to speak with one of the owners. She was very professional and the route was stopped immediately.

Michele Esptstein, 421 North Main Street - Spoke about truck traffic and speeding in town. Would like to see some policies set.

Jordan Smith, 552 North Main Street - Spoke regarding the truck traffic in town. Stated that the bike lanes are making things worse.

Barbara Klapsogorge, 418 North Main Street - Spoke about traffic and speeding on North Main Street. We need to make it more difficult for tracker trailers to cut through Hightstown and we need to make North Main Street safer.

Jeff Epstein, 421 North Main Street - Spoke about traffic through town.

Janneth Orososco-Perlata, Owner of Michael's Transportation - Stated that her company has authority to operate with the NJDOT and Motor Vehicle. She has been in touch with the Police Department about another company in town that is not registered. She is happy to work with the Borough to resolve any issues. Mayor Quattrone appreciates Michael's Transportation working with the residents and doing things correctly. He feels there needs to be a meeting with both companies.

There being further comments, Mayor Quattrone closed the public comment period.

ORDINANCES

Ordinance 2021-15 Public Hearing and Final Reading An Ordinance Amending and Supplementing Chapter 26, Entitled "Land Use" Section 10, Entitled "Mandatory Developer Fees", of the "Revised General Ordinances of the Borough of Hightstown, New Jersey."

Mayor Quattrone opened the public hearing and the following individuals spoke:

Eugene Sarafin, 628 South Main Street - Does not understand the ordinance and is looking for an explanation. Borough Attorney, Fred Raffetto, explained the ordinance. Councilmember Misiura explained that the Planning Board is working on an Affordable Housing Plan which includes the spending of the fees collected.

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

Moved for adoption by Councilmember Cicalese; Seconded by Councilmember Montferrat.

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

Ordinance adopted 6-0.

ORDINANCE 2021-15

BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 26, ENTITLED “LAND USE”, SECTION 10, ENTITLED “MANDATORY DEVELOPMENT FEES”, OF THE “REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN, NEW JERSEY.”

WHEREAS, the Borough Planner has made certain recommendations for revisions to Chapter 26, “Land Use”, Section 10, entitled “Mandatory Development Fees” of the Borough Revised General Ordinances of the Borough of Hightstown; and

WHEREAS, the Borough Council has reviewed and concurs with these recommendations.

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

Section 1. Chapter 26 “Land Use”, Section 10, entitled “Mandatory Developer Fees” is hereby amended as follows (underline for additions, strikethroughs for deletions):

Section 26-10

MANDATORY DEVELOPMENT FEES

Subsections:

- 26-10-1 Purpose.
- 26-10-2 Definitions.
- 26-10-3 Residential Development Fees.
- 26-10-4 Non-Residential Development Fees.
- 26-10-5 Exemptions.
- 26-10-6 Collection of Fees.
- 26-10-7 Housing Trust Fund.
- 26-10-8 Use of Funds.
- ~~26-10-9 Expiration of Ordinance.~~

Subsection 26-10-1. Purpose.

This Section establishes standards for the collection, maintenance, and expenditure of development fees that are consistent with COAH’s regulations developed in response to P.L. 2008, c. 46, Sections 8 and 32-38 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7). Fees collected pursuant to this Section shall be used for the sole purpose of providing very low-, low- and moderate-income housing.

~~In the case of Holmdel Builder’s Association vs. Holmdel Township, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985, N.J.S.A. 52:27d 301, et seq., and the State Constitution subject to the Council on Affordable Housing’s (COAH’s) adoption of appropriate rules and/or approval from New Jersey Superior Court. The purpose of this Ordinance is to establish standards for the collection, maintenance and expenditure of development fees pursuant to applicable affordable housing rules. Fees collected pursuant to this Ordinance shall be used for the sole purpose of providing low and moderate income housing. This Ordinance shall be interpreted within the framework of current affordable housing~~

~~rules on development fees.~~

Subsection 26-10-2. Definitions.

The following terms shall have the meanings indicated:

- a. “COAH” means the New Jersey Council on Affordable Housing.
- b. “Development fees” means money paid by an individual, person, partnership, association, company or corporation for the improvement of property as permitted in current affordable housing rules.
- c. “Equalized assessed value” means the value of a property determined by the municipal tax assessor through a process designed to ensure that all property in the municipality is assessed at the same assessment ratio or ratios required by law. Estimates at the time of issuance of a building permit may be obtained utilizing estimates for construction cost. Final equalized assessed value will be determined at project completion by the municipal tax assessor.
- d. “Judgment of Compliance” means a judgment issued by the Superior Court approving a municipality’s housing element and fair share plan in accordance with the provisions of the Fair Housing Act and the rules and criteria as set forth herein. A grant of substantive certification shall be valid for a period of ten years or as otherwise may be determined by the Superior Court in accordance with the terms and conditions therein.

Subsection 26-10-3. Residential Development Fees.

a. Imposition of fees.

1. Within the Borough of Hightstown, residential developers, except for developers of the types of development specifically exempted below, shall pay a fee of 1.5% of the equalized assessed value for residential development, provided no increased density is permitted. Development fees shall also be imposed and collected when an additional dwelling unit is added to an existing residential structure; in such cases, the fee shall be calculated based on the increase in the equalized assessed value of the property due to the additional dwelling unit.
2. When an increase in residential density is permitted pursuant to a “d” variance granted under N.J.S.A. 40:55D-70d(5), developers shall be required to pay a bonus development fee of 6.0% of the equalized assessed value for each additional unit that may be realized, except that this provision shall not be applicable to a development that will include affordable housing. If the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.

Example: If an approval allows four units to be constructed on a site that was zoned for two units, the fees could equal 1.5% of the equalized assessed value on the first two units; and the specified higher percentage of 6% of the equalized assessed value for the two additional units, provided zoning on the site has not changed during the two-year period preceding the filing of such a variance application.

b. Eligible exactions, ineligible exactions and exemptions for residential development

1. Affordable housing developments, developments where the developer is providing for the construction of affordable units elsewhere in the municipality, and developments where the

developer has made a payment in lieu of on-site construction of affordable units, or by redevelopment agreement or other agreement with the Borough of Hightstown, shall be exempt from the payment of development fees.

2. Developments that received preliminary or final site plan or subdivision approval prior to January 1, 2005 shall be exempt from the payment of development fees, unless the developer seeks a substantial change in the original approval. Where a site plan approval does not apply, the issuance of a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for the purpose of determining the right to an exemption. In all cases, the applicable fee percentage shall be determined based upon the development fee ordinance in effect on the date that the construction permit is issued.
3. Development fees shall be imposed and collected when an existing structure undergoes a change to a more intense use, is demolished and replaced, or is expanded, if the expansion is not otherwise exempt from the development fee requirement. The development fee shall be calculated on the increase in the equalized assessed value of the improved structure.
4. No development fee shall be collected for a demolition and replacement of a residential building resulting from fire, war, or a natural disaster.

~~a.—Within all districts of the Borough of Hightstown, developers shall pay a development fee of one and one half percent (1.5%) of the equalized assessed value of the residential development with an assessed value less than \$150,000 and one percent (1.0%) of the equalized assessed value of the residential development with an assessed value equal to or greater than \$150,000, provided no increased density is permitted. Notwithstanding the aforementioned, developers shall pay a development fee of one and one half percent (1.5%) of the equalized assessed value for all rental apartments.~~

~~b.—If a “d” variance is granted pursuant to N.J.S.A. 40:55d-70d, then the additional residential units realized (above that which is permitted by right under the existing zoning) will incur a bonus development fee of six percent (6%) rather than the development fee of one and one half percent (1.5%).~~

Subsection 26-10-4. Non-Residential Development Fees.

a. Imposition of fees.

1. Within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted below, shall pay a fee equal to 2.5% of the equalized assessed value of the land and improvements, for all new non-residential construction on an unimproved lot or lots.
2. Within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted below, shall also pay a fee equal to 2.5% of the increase in equalized assessed value resulting from any additions to existing structures to be used for non-residential purposes.
3. Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of 2.5% shall be calculated on the difference between the equalized assessed value of the pre-existing land and improvements and the equalized assessed value of the newly improved structure; i.e., land and improvements; and such calculation shall be made at the time a final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the non-residential development fee shall be zero.

b. Eligible exactions, ineligible exactions and exemptions for non-residential development.

1. The non-residential portion of a mixed-use inclusionary or market-rate development shall be subject to a 2.5% development fee, unless otherwise exempted below.
2. The 2.5% fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.
3. Non-residential developments shall be exempt from the payment of non-residential development fees in accordance with the exemptions required pursuant to the Statewide Non-Residential Development Fee Act (N.J.S.A. 40:55D-8.1 through 8.7), as specified in Form N-RDF "State of New Jersey Non-Residential Development Certification/ Exemption." Any exemption claimed by a developer shall be substantiated by that developer.
4. A developer of a non-residential development exempted from the non-residential development fee pursuant to the Statewide Non-Residential Development Fee Act shall be subject to the fee at such time as the basis for the exemption no longer applies, and shall make the payment of the non-residential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the non-residential development, whichever is later.
5. If a property that was exempted from the collection of a non-residential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within 45 days of the termination of the property tax exemption. Unpaid non-residential development fees under these circumstances may be enforceable by the Borough of Hightstown as a lien against the real property of the owner.

~~a.—Developers within the Borough of Hightstown shall pay a fee of two and one half percent (2.5%) of the equalized assessed value for nonresidential development in the Borough of Hightstown, including but not limited to service uses, contractors, schools, and churches. Developers shall pay a fee of two percent (2.0%) of the equalized assessed value for retail and office use development, except in those incidents where they provide and maintain outdoor eating or other similar public gathering space; such retail and office uses shall pay a fee of one and one half percent (1.5%).~~

~~b.—If a “d” variance is granted pursuant to N.J.S.A. 40:55D-70d, then the additional floor area realized (above what is permitted by right under the existing zoning) will incur a bonus development fee of six percent (6%) rather than the development fee of two and one half percent (2.5%).~~

Subsection 26-10-5. Exemptions.

- a. Developers of low and moderate income units shall be exempt from paying development fees.
- b. Developers that have received preliminary or final Approval(s) prior to the effective date of this Ordinance shall be exempt from paying a development fee unless the developer seeks a substantial change in the approval.
- c. Developers who demolish and replace or renovate and re-occupy abandoned housing units shall be exempt from paying development fees, provided the number of housing units on the property does not increase.

d. Home improvements or expansions shall be exempt from development fees, provided the improvements or expansions do not create any new housing units.

e. There shall be no fee for improvements to non-residential uses when the improvements do not increase the intensity of the existing use. For instance, there shall be no fee for façade or signage improvements.

f. Development projects that are the subject of redevelopment agreements, in which case development fee obligations will be negotiated as part of the redevelopment agreement.

Subsection 26-10-6. Collection of Fees.

a. The Borough of Hightstown shall use the following procedures in the collection of fees:

1. Upon the passage of the resolution of memorialization granting of a preliminary, final or other applicable approval for a development, the Planning Board Secretary shall notify the construction code official responsible for the issuance of a building permit of the approving authority's action.
2. Once all prior approvals have been obtained, the person requesting a building permit application for a non-residential development, only, shall also be provided with a copy of Form N-RDF, "State of New Jersey Non-Residential Development Certification/Exemption," to be completed by the developer as part of the building permit application. The construction code official shall verify the information submitted by the non-residential developer or developer's designee. The Hightstown Borough tax assessor shall verify any requested exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.
3. The construction code official responsible for the issuance of a building permit shall notify the Borough tax assessor of the issuance of the first construction permit for a development that is subject to a development fee.
4. Within 90 days of receipt of that notice, the Borough tax assessor shall provide an estimate, based on the plans filed, of the equalized assessed value of the development.
5. The construction code official responsible for the issuance of a final certificate of occupancy shall notify the Borough tax assessor of any and all requests for the scheduling of a final inspection on property that is subject to a development fee.
6. Within 10 business days of a request for the scheduling of a final inspection, the Borough tax assessor shall confirm or modify the previously estimated equalized assessed value of the improvements associated with the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
7. Should the Borough of Hightstown fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in Subsection b. of Section 37 of P.L.2008, c.46 (C.40:55D-8.6).

8. Fifty percent (50%) of the development fee shall be collected at the time of issuance of the construction permit. The remaining portion shall be collected at the time of issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at the time of issuance of the construction permit and that determined at the time of issuance of certificate of occupancy.

b. Appeal of development fees.

1. A developer may challenge residential development fees imposed by filing a challenge with the Mercer County Board of Taxation. Pending a review and determination by that board, collected fees shall be placed in an interest-bearing escrow account by the Municipal Finance Officer of the Borough of Hightstown. Appeals from a determination of the Board may be made to the Tax Court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

2. A developer may challenge non-residential development fees imposed by filing a challenge with the director of the New Jersey Division of Taxation. Pending a review and determination by the director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest-bearing escrow account by the Borough of Hightstown. Appeals from a determination of the director may be made to the Tax Court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

~~a. Developers shall pay fifty percent (50%) of the calculated development fee to the Borough of Hightstown at the time of issuance of a building permit. At the time of issuance of a Certificate of Occupancy, developers shall pay the remaining portion of the fee that is owed to the Borough.~~

Subsection 26-10-7. Housing Trust Fund.

There is hereby created an interest bearing housing trust fund for the purpose of receiving development fees from all residential and nonresidential developers. All development fees paid by developers pursuant to this Ordinance shall be deposited into this fund. No money shall be expended from the housing trust fund unless the expenditure conforms to an approved spending plan.

Subsection 26-10-8. Use of Funds.

a. Money deposited in the housing trust fund may be used for any activity identified in the Borough's approved housing plan for addressing the Borough of Hightstown's low and moderate income housing obligation. Such activities may include, but are not necessarily limited to: housing rehabilitation, new construction, the purchase of land for low and moderate income housing, extensions and/or improvements of roads and infrastructure to low and moderate income housing sites, assistance designed to render units for more affordable to low and moderate income households and administrative costs necessary to implement the Borough of Hightstown's housing element. The expenditure of all money shall conform to an approved spending plan.

b. At least thirty percent (30%) of the revenues collected shall be devoted to render units more affordable. Examples of such activities include, but are not limited to: down payment and closing cost assistance, low interest loans and rental assistance.

c. No more than twenty percent (20%) of the revenues collected each year shall be expended on administrative costs necessary to develop, revise or implement the housing element. Examples of eligible administrative activities include: personnel, consultant services, space costs, consumable supplies and rental or purchase of equipment directly associated with plan development or plan implementation.

d. Development fee revenues shall not be expended to reimburse the Borough of Hightstown for housing activities that preceded a first or second round substantive certification.

~~**Subsection 26-10-9. Expiration of Ordinance.**~~

~~This Ordinance shall expire if:~~

- ~~a. The Borough of Hightstown's petition for substantive certification is dismissed or denied;~~
- ~~b. The Borough of Hightstown's substantive certification or this Ordinance are revoked.~~

Section 2. Severability. If any portion of this Ordinance is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of the Zoning Ordinance as a whole, or any other part thereof.

Section 3. Repealer. All ordinances or parts of ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency only.

Section 4. Enactment. This Ordinance shall take effect upon the filing thereof with the Mercer County Planning Board after final passage, adoption, and publication by the Borough Clerk of the Borough of Hightstown in the manner prescribed by law.

RESOLUTIONS

Resolution 2021-158 Authorizing Payment of Bills

Moved by Councilmember Bluth; Seconded by Councilmember Jackson.

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

Resolution adopted 6-0.

Resolution 2021-158

*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 \$2,240,700.34 from the following accounts:

Current		\$2,211,835.18
W/S Operating		28,080.16
General Capital		0.00
Water/Sewer Capital		0.00
Grant		0.00
Trust		700.00
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>85.00</u>
Total		<u>\$2,240,700.34</u>

Resolution 2021-159 Authorizing the Renewal of a Shared Services Agreement with Robbinsville Township for Emergency Medical Services

Moved by Councilmember Bluth; Seconded by Councilmember Fowler.

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

Resolution adopted 6-0.

Resolution 2021-159

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

AUTHORIZING THE RENEWAL OF A SHARED SERVICES AGREEMENT WITH ROBBINSVILLE TOWNSHIP FOR EMERGENCY MEDICAL SERVICES

WHEREAS, Resolution 2020-200 authorized a shared services agreement for Robbinsville Township to provide Emergency Medical Service coverage in Hightstown Borough; and

WHEREAS, said agreement was approved for the period January 1, 2021 through December 31, 2021 with the option to renew for two additional one-year periods; 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 wish to renew the Shared Services Agreement for Emergency Medical Service for the period January 1, 2022 through December 31, 2022;

WHEREAS, this agreement may be further extended by mutual agreement of the parties for up to one (1) additional one year term; and

WHEREAS, the Borough's net share of costs for these services, by the terms of this agreement, will be Forty Thousand Dollars (\$40,000.00) annually; and

WHEREAS funds for this expenditure will be made available in the 2022 budget;

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

1. The extension of the Shared Services Agreement with the Township of Robbinsville for Emergency Medical Service for the period January 1, 2022 through December 31, 2022 is hereby approved, in accordance with the provisions of N.J.S.A. 40:65-1 et seq.
2. This agreement is approved subject to the provision of adequate funds in the Borough's 2022 budget.

Resolution 2021-160 Authorizing Payment No. 2 – Earle Asphalt Company – Improvements to Springcrest Drive, Taylor Avenue, Spruce Court, Glen Drive & Schuyler Avenue

Moved by Councilmember Cicalese; Seconded by Councilmember Montferrat.

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

Resolution adopted 6-0.

Resolution 2021-160

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

AUTHORIZING PAYMENT #2 – EARLE ASPHALT COMPANY – IMPROVEMENTS TO SPRINGCREST DRIVE, TAYLOR AVENUE, SPRUCE COURT, GLEN DRIVE & SCHUYLER AVENUE

WHEREAS, on March 15, 2021, the Borough Council awarded a contract for the Improvements to Springcrest Drive, Taylor Avenue, Spruce Court, Glen Drive & Schuyler Avenue to Earle Asphalt Company of Wall, New Jersey at the price of \$1,370,813.13; and

WHEREAS, the contractor has submitted a request for payment No. 2 in the amount of \$241,412.07 for partial payment through October 1, 2021, for mobilization, clearing site, abandoning a sanitary manhole, manhole frame and cover, connections to existing manholes, precast sanitary manholes, sanitary sewer main and laterals, sanitary cleanouts, curb valves and boxes, caps, fire hydrant assemblies, and water main and services; and

WHEREAS, the Borough Engineer has recommended approval of Payment Request No. 2 to the contractor in the amount of \$241,412.07; and

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that Payment Request No. 2 to Earle Asphalt Company of Wall, New Jersey for \$241,412.07, is hereby approved as detailed herein, and the CFO is authorized to issue same.

Resolution 2021-161 Resolution Authorizing the Award of a Non-Fair and Open Contract for Phone System Upgrades & SIP Trunk Migration

Moved by Councilmember Bluth; Seconded by Councilmember Montferrat.

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

Resolution adopted 6-0.

Resolution 2021-161
*BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY*

RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR PHONE SYSTEM UPGRADES & SIP TRUNK MIGRATION

WHEREAS, the Borough of Hightstown has a need to upgrade its existing phone system; and

WHEREAS, Red Arrow Technologies, LLC has submitted a proposal dated September 14, 2021, indicating they will provide the Phone System Upgrades and SIP Trunk Migrations for the sum of \$43,698.72; and

WHEREAS, this contract is eligible to be awarded without advertising for competitive bids given the amount of the contract and the fact that the Borough has appointed a Qualified Purchasing Agent; and

WHEREAS, the contract shall be awarded as a non-fair and open contract pursuant to the provisions of *N.J.S.A. 19:44A-20.5*; and,

WHEREAS, the Qualified Purchasing Agent has determined and certified in writing that the value of the contract will exceed \$17,500.00; and,

WHEREAS, the anticipated term of this contract is 3 year(s); and

WHEREAS, Red Arrow Technologies has completed and submitted a Business Entity Disclosure Certification which certifies that Red Arrow Technologies has not made any reportable contributions to a political or candidate committee in the Borough of Hightstown in the previous one year, and that the contract will prohibit Red Arrow Technologies from making any reportable contributions through the term of the contract, and

WHEREAS, the Business Disclosure Entity Certification will be placed on file with this resolution in office of the Borough Clerk; and

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

NOW THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Hightstown authorizes Borough Administrator, Dimitri Musing, to execute a contract with Red Arrow Technologies as described herein.

Resolution 2021-162 Authorizing Payment – Earle Asphalt Company – Granite Curb Replacement Stockton Street

Moved by Councilmember Jackson; Seconded by Councilmember Fowler.

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

Resolution adopted 6-0.

Resolution 2021-162

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

**AUTHORIZING PAYMENT – EARLE ASPHALT COMPANY – GRANITE CURB
REPLACEMENT STOCKTON STREET**

WHEREAS, Council requested that the Borough Engineer have four sections of damaged granite curb be replaced on Stockton Street and Rogers Avenue prior to the paving of Stockton Street; and

WHEREAS, the Borough Engineer requested prices for the replacement of the granite curb from contractors; and

WHEREAS, on May 11, 2021, the Borough Engineer authorized Earle Asphalt of Wall, New Jersey, to furnish and install the granite curb in accordance with Borough Requirements; and

WHEREAS, the work was completed on July 26, 2021; and

WHEREAS, the Borough Engineer recommends payment to Earle Asphalt in the amount of \$8,980.00; and

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that payment to Earle Asphalt Company of Wall, New Jersey for \$8,980.00, is hereby approved as detailed herein, and the CFO is authorized to issue same,

Resolution 2021-163 Authorizing Receipt of Bids for Curbside Recycling Collection

Moved by Councilmember Cicalese; Seconded by Councilmember Jackson.

Mr. Musing explained that we will be going out to be for a recycling contract. We should expect a 70%-100% increase in a contract. Vendors do not want to own the recycling any longer. They are looking to pass those costs onto the municipalities.

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

Resolution adopted 6-0.

Resolution 2021-163

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

AUTHORIZING RECEIPT OF BIDS FOR CURBSIDE RECYCLING COLLECTION

BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Purchasing Agent is hereby authorized to prepare specifications and advertise for bids Curbside Recycling Collection, and that the Borough is authorized to receive same after proper advertisement.

CONSENT AGENDA

Councilmember Cicalese moved Resolutions 2021-164; 2021-165 and 2021-166 as a Consent Agenda; Councilmember Fowler seconded.

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

Resolutions adopted 6-0.

Resolution 2021-164

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

RESOLUTION APPOINTING RISK MANAGEMENT CONSULTANT

WHEREAS, the Borough of Hightstown (hereinafter “Local Unit”) has joined the Statewide Insurance Fund (hereinafter “Fund”), a joint insurance fund as defined in N.J.S.A. 40A:10-36 *et seq.*; and

WHEREAS, the Bylaws require participating members to appoint a Risk Management Consultant, as those positions are defined in the Bylaws, if requested to do so by the “Fund”; and

WHEREAS, the Local Unit has complied with relevant law with regard to the appointment of a Risk management Consultant; and

WHEREAS, the “Fund” has requested its members to appoint individuals or entities to that position.

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

1. The Borough of Hightstown hereby appoints Skylands Risk Management, Inc. its local Risk Management Consultant.
2. The Borough Administrator and Risk Management Consultant are hereby authorized to execute the Risk Management Consultant’s Agreement for the year 2022 in the form attached hereto.

Resolution 2021-165

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

RESOLUTION APPOINTING A FUND COMMISSIONER

WHEREAS, the Borough of Hightstown (hereinafter “Local Unit”) is a member of the Statewide Insurance Fund (hereinafter “Fund”), a joint insurance fund as defined in N.J.S.A. 40A:10-36 *et seq.*; and

WHEREAS, the Fund’s Bylaws require participating members to appoint a Fund Commissioner;

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Hightstown that Dimitri Musing, is hereby appointed as the Fund Commissioner for the Local Unit for the year 2022; and

BE IT FURTHER RESOLVED that Margaret Riggio is hereby appointed as the Alternate Fund Commissioner for the Local Unit for the year 2022; and

BE IT FURTHER RESOLVED that the Local Unit’s Fund Commissioner is authorized and directed to execute all such documents as required by the Fund.

Resolution 2021-166

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

**AMENDING RESOLUTION 2021-156 – AUTHORIZING REFUND OF TAX
OVERPAYMENT – 32 NORTON AVENUE**

WHEREAS, Resolution 2021-156 was adopted by Hightstown Borough Council October 4, 2021, authorizing a tax overpayment for Block 10.01/Lot 8, 32 Norton Avenue; and

WHEREAS, the overpayment, in the amount of \$1,015.04 was issued to the mortgage company, Pinnacle Title Agency, 220 West County Line Road, Jackson, NJ; and

WHEREAS, the overpayment should be issued directly to the homeowner, Wilfredo Rodriguez, 32 Norton Avenue, Hightstown, NJ 08520.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that Resolution 2021-156 authorizing a tax overpayment for 32 Norton Avenue is amended to be paid directly to the homeowner, Wilfredo Rodriguez, 32 Norton Avenue, Hightstown, NJ 08520.

OLD BUSINESS

Animal Control Officer

Mayor Quattrone stated that he had reached out the East Windsor regarding a shared services agreement for an Animal Control Officer. He has not heard back from them yet. Mr. Musing has reached out the Hamilton Township. They have responded and are requesting some statistics. He will respond with that information this week. He is hopeful to have good news for Council at the next meeting.

First Aid Vehicles

Mr. Musing stated that both vehicles are down at the moment. The 2016 ambulance is getting repaired now. They are still getting quotes for the 2006 to get that operational again.

Special Meeting

The owner of LSI Towing reached out to Mr. Musing and informed him that he is not able to attend the original date scheduled for the hearing. Asked if Council could reschedule. Discussion ensued. Council agreed to reschedule the hearing for October 28th at 6:00 p.m. via zoom.

SUBCOMMITTEE REPORTS

PRC Redevelopment - PRC is going through approvals with DEP and they still need their Freshwater Permit. DEP is requiring an archeological study. The ownership issues they are dealing with should be wrapped up this month.

Municipal Facility - Musial Group - Mayor Quattrone asked if any Councilmember would like to replace former Councilmember Stults on the subcommittee. Councilmember Montferrat volunteered and was appointed to the subcommittee.

MAYOR/COUNCIL/ADMINISTRATIVE REPORTS

Councilmember Montferrat

Construction Office - He will be meeting with George Chin and Dave Bell this week.

While campaigning with Councilmember Bluth, he is seeing what residents are concerned with throughout town.

Council does recognize the traffic issues and speeding in town.

Councilmember Misiura

Planning Board - East Windsor Regional School District presented a parking lot plan. The tennis courts have been moved and will now become additional parking.

Affordable Housing Plan - the Planner is going through our Affordable Housing needs.

Complete Street Committee - They've met with the County Engineer. They agreed the County would narrow the County roads to 11 feet. This will hopefully slow traffic. They feel that an ordinance should be passed prohibiting passing in bike lanes and on shoulders. The County also agreed to install two new flashing crosswalk signs on South Main Street. The committee requested two flashing signs on Wycoffs Mill Road. The County asked that Hightstown commit to install those signs. Would like to get a definition of local delivery in regard to truck traffic.

Councilmember Cicalese

Parks & Rec - The paving at Dawes Park basketball courts have been completed. The hoops need to be installed. A press release is forthcoming. They are looking at options to build nets or fencing and looking for additional funding. They are having issues with the current state of greenway. They are looking to establish a Greenway Committee which would have representatives from Parks and Rec, Environmental Commission and Planning Board. They would like to bring a presentation to Council regarding what to do with the concession building in Rocky Brook Park.

Councilmember Jackson

HPC - will meet this week at 6:30

The traffic by the schools on Stockton Street is troublesome. Asked if we can move the officer from Morrison Avenue to Stockton Street to serve as the crossing guard.

Councilmember Fowler

Environmental Commission - will be meeting next week.

Downtown Hightstown - Businesses have been busy heading into the holidays. Businesses are collecting candy for distribution to homes on Stockton Street for Halloween. The Tavern will head up collection and distribution. There is another hop & shop scheduled for December 11th and 12th. There will be a holiday window painting contest again this year. They are speaking to the art teachers at the high school.

Councilmember Bluth

Cultural Arts Commission - Light up the Lake will take place on the 30th at Memorial Park. They still have the 300th Anniversary calendars for sale.

Borough Administrator, Dimitri Musing

Happy to see that Council will be talking about traffic and speeding.

Borough Clerk, Peggy Riggio

Elections - Updated Council on early voting and vote by mail.

Codification – The pricing that has been received is valid until December 2021. If Council chooses not to use ARP funding, CFO, George Lang, has informed her that there is funding available in the budget.

Mayor Quattrone

Stated that he wished there was something we could do about the truck route on Ward Street. Stated that he is excited for Halloween and he hopes to have the Memorial Day Parade next year. Thanked everyone for all they are doing.

EXECUTIVE SESSION

Resolution 2021-167 Authorizing a Meeting that Excludes the Public

Moved by Councilmember Jackson; Seconded by Councilmember Fowler.

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

Resolution adopted 6-0.

Resolution 2021-167

*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 October 18, 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:

- Attorney Client Privilege
- Contract Negotiations – Shared Services
- Contract Negotiations – Housing Authority

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 January 18, 2022, 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.

Council adjourned to execution at 8:22 p.m.

Council returned to public session at 9:32 p.m.

ADJOURNMENT

Councilmember Bluth moved to adjourn at 9:33 p.m.; Councilmember Fowler seconded. All ayes.

Respectfully Submitted,

Margaret Riggio

Margaret M. Riggio
Borough Clerk

Approved by Hightstown Borough Council: 02/07/2022