

Meeting Minutes
Hightstown Borough Council
February 22, 2022
6:30 p.m.

The meeting was called to order by Council President Bluth at 6:30 p.m. and she read the Open Public Meetings Act statement which stated, "Adequate notice of this meeting has been given in accordance with the Open Public Meetings Act, pursuant to Public Law 1975, Chapter 231. Said notice was sent to the *Trenton Times* and the *Windsor-Hights Herald*, and is posted on the Borough website." Do to COVID-19 and self-distancing protocols, this meeting was held remotely through www.zoom.com.

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; Fred Raffetto, Borough Attorney and George Lang, CFO.

The Flag Salute followed roll call.

APPROVAL OF AGENDA

Moved by Councilmember Misiura; Seconded by Councilmember Jackson.

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

Agenda approved 5-0.

APPROVAL OF MINUTES

October 28, 2021 – Special Meeting

Moved by Councilmember Fowler; Seconded by Councilmember Jackson

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

Minutes approved 4-0 with 1 abstension.

November 1, 2021 – Public Session

Moved by Councilmember Montferrat; Seconded by Councilmember Fowler.

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

Minutes approved 5-0.

Councilmember Cicalese arrived at this time.

November 1, 2021 – Executive Session

Moved by Councilmember Fowler; Seconded by Councilmember Misiura.

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

Minutes approved 6-0.

November 15, 2021 – Public Session

Moved by Councilmember Cicalese; Seconded by Councilmember Jackson.

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

Minutes approved 6-0.

PUBLIC COMMENT

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

Eugene Sarafin, 626 South Main Street - Stated he is happy to have a democracy in Hightstown. He commented on the Planning Board's request to expand the area in need of redevelopment. We need to take a hard look at this madness. Hightstown will not survive with adding more and more apartments. He would rather see more single-family owned homes. We are destroying this small town.

Taxi Tu Amigo. They are requesting Council add a 6th taxi company as permitted in the Borough Code. They missed the January 1st renewal date due to Covid complications. They stated that they are an essential part of the community and the Borough is in need of the additional vehicles on the road. Council President Bluth thanked them for speaking and stated that this is not something Council can discuss this evening but they will discuss this in the future.

There being further comments, Council President Bluth closed the public comment period.

ORDINANCES

Ordinance 2022-01 Public Hearing and Final Reading – An Ordinance Amending and Supplementing Chapter 18 Entitled “Solid Waste and Recycling,” Subsection 18-1-9 “Municipal Garbage Dumpsters (Stockton Street Parking Lot)” of the Revised General Ordinances of the Borough of Hightstown, New Jersey

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

Eugene Sarafin, 628 South Main Street - Stated that people need to break down their cardboard. We should not need to make a law for this. But this is a good reason to pass this ordinance.

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

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

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

Ordinance adopted 6-0.

ORDINANCE 2022-01

BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 18, ENTITLED “SOLID WASTE AND RECYCLING,” SUBSECTION 18-1-9 “MUNICIPAL GARBAGE DUMPSTERS (STOCKTON STREET PARKING LOT)” OF THE “REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN, NEW JERSEY,”

WHEREAS, the existing regulations of the Borough of Hightstown (the “Borough”) as pertains to Municipal Garbage Dumpsters (Stockton Street Parking Lot) are set forth in Chapter 18, entitled “Solid Waste and Recycling,” 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 subsection Chapter 18 Subsection 18-1-9.

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 18, entitled “Solid Waste & Recycling,” Subsection 18-1-9 entitled “Municipal Garbage Dumpsters (Stockton Street Parking Lot)” of the “Revised General Ordinances of the Borough of Hightstown, New Jersey,” is hereby amended and supplemented in the following limited respects (deletions are shown with ~~strikeout~~, additions are shown with underline):

- a. Except as provided in Subsection 18-1.9(b) below, business establishments, residents and tenants of rental properties located in Block 23 and Block 33 of the Borough of Hightstown shall be permitted to utilize municipal garbage dumpsters located in the Stockton Street parking lot at no charge. Each such business establishment or household shall be entitled to dispose of the equivalent of one 95-gallon container of solid waste per week.
- b. Licensed food establishments located in Block 23 or Block 33 of the Borough of Hightstown shall be permitted to utilize municipal garbage dumpsters located in the Stockton Street parking lot, provided that a written agreement is entered into between the Borough and the licensed retail food establishment, and that the food establishment pays a share of the Borough’s cost for the provision of such service. A schedule of fees shall be established by Resolution of the Borough Council for services provided under this subsection and shall be updated as necessary in order to ensure the fair distribution of costs among the users. Fees not paid within 30 days of assessment by the Borough shall constitute a lien against the property where the licensed retail food establishment is located, and such services shall cease until full restitution has been made. Property owners will be held responsible for any violations of this Section.

c. Materials prohibited by Subsection 18-1.7, "Prohibited Materials," shall not be disposed of in the municipal garbage dumpsters located in the Stockton Street parking lot.

d. No persons or establishments other than those specified in this subsection shall be entitled to utilize the municipal garbage dumpsters located in the Stockton Street parking lot. The unauthorized use of said dumpsters, or the placement of prohibited materials in same, shall constitute a violation of this section and shall be subject to penalties as set forth in subsection 18-1.21.

e. It shall be the responsibility of the business establishment owner to properly dispose of all solid waste and garbage in the municipal garbage dumpsters. No solid waste or garbage shall be deposited or placed outside of the dumpsters.

f. It shall be the responsibility of the business establishment owner to break down all cardboard boxes and properly dispose of all cardboard in the municipal recycling dumpster. No cardboard shall be deposited or placed outside of the recycling dumpster.

Section 2. All other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

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

Ordinance 2022-02 Public Hearing and Final Reading – An Ordinance Amending and Supplementing Chapter 12, Entitled “Building and Construction,” Section 12-2 Fees” and Chapter 28 Entitled “Zoning” Subsection 28-18-2 “Zoning Permit Required; Fee” of the Revised General Ordinances of the Borough of Hightstown, New Jersey

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

Eugene Sarafin, 628 South Main Street - Questioned how fees can be raised without any backup. This seems unfair to the public.

Councilmember Montferrat stated that we are getting our fees in line with the rest of Mercer County.

Councilmember Misiura stated that he had spoken with George Chin regarding article 12.2.2, plan review fees, it seems to be an error. Discussion ensued. Borough Attorney, Fred Raffetto, stated that he is comfortable amending the language to read 20% of permit fee or \$75 whichever is higher as this was clearly an error.

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

Councilmember Misiura moved to amend Ordinance 2022-02 article 12.2.2. to read *20% of permit fee or \$75 whichever is higher*; Councilmember Fowler seconded.

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

Ordinance amended 6-0.

Moved for adoption as amended by Councilmember Cicalese; Seconded by Councilmember Jackson.

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

Ordinance adopted as amended 6-0.

ORDINANCE 2022-02

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

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 12, ENTITLED “BUILDING AND CONSTRUCTION,” SECTION 12-2 “FEES” AND CHAPTER 28 ENTITLED “ZONING”, SUBSECTION 28-18-2 “ZONING PERMIT REQUIRED; FEE” OF THE “REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN, NEW JERSEY,”

WHEREAS, the Mayor and Council wish to make certain revisions relating to Chapter 12 “Entitled Building and Construction,” Section 12-2 “Fees” and Chapter 28 entitled “Zoning”, Subsection 28-18-2 “Zoning Permit Required; Fee”.

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 12 “Entitled Building and Construction,” Section 12-2 “Fees” and Chapter 28 entitled “Zoning”, Subsection 28-18-2 “Zoning Permit Required; Fee” of the “Revised General Ordinances of the Borough of Hightstown, New Jersey,” is hereby amended and supplemented in the following limited respects (deletions are shown with ~~strikeout~~, additions are shown with underline):

Section 12-2

FEES

Subsections:

12-2-1	Construction Permit Fees.
12-2-2	Plan Review Fees.
12-2-3	Demolition Fees.
12-2-4	Building Removal; Structural Inspection of Existing Dwelling Fees.
12-2-5	Sign Construction Fees.
12-2-6	Certificates of Occupancy Fees.
12-2-7	Biannual Report to Borough Council Recommending Fee Schedule.
12-2-8	Surcharge.
12-2-9	Report of Fees Collected.
12-2-10	Temporary Waiver of Construction Permit Fees
12-2-11	Application for a Variation

Subsection 12-2-1 Construction Permit Fees.

The fee for a construction permit shall be the sum of the subcode fees listed in paragraphs a. through e. and shall be paid before the permit is issued.

a. Building Subcode Fee. The building subcode fee shall be:

1. For new construction, the permit fees shall be computed at the rate of ~~\$0.034~~ **\$0.040** per cubic foot of volume. However, structures falling into S-1 or S-2 categories shall be charged at the rate of ~~\$0.020~~ **\$0.30** cents per cubic foot; except that the minimum fee in all cases shall be ~~sixty-five~~ **seventy-five** (~~\$65.00~~ **\$75.00**) dollars.

2. For alterations, renovations and repairs, the permit fees shall be based upon the estimated cost of the work and shall be in the amount of thirty-five (~~\$30.00~~ \$35.00) dollars per one thousand (\$1,000.00) dollars of estimated cost, up to and including fifty thousand (\$50,000.00) dollars; from fifty thousand one (\$50,001.00) dollars to and including one hundred thousand (\$100,000.00) dollars, the additional fee shall be in the amount of ~~twenty-three~~ twenty-eight (~~\$23.00~~ \$28.00) dollars per one thousand (\$1,000.00) dollars of estimated cost; above one hundred thousand (\$100,000.00) dollars, the additional fee shall be in the amount of ~~nineteen~~ twenty-four (~~\$19.00~~ \$24.00) dollars per one thousand (\$1,000.00) dollars of estimated cost. For the purpose of determining estimated cost, the applicant shall submit to the enforcing agency, if available, cost data produced by the architect or engineer of record or by a recognized estimate firm or by the contractor. A bona fide contractor's bid, if available, shall be submitted. The enforcing agency shall make the final decision regarding estimated cost. There shall be a minimum of ~~sixty-five~~ seventy-five (~~\$65.00~~ \$75.00) dollars for any permit under this subsection.

3. For additions, permit fees shall be computed the same as for new construction, ~~\$0.034~~ \$0.040 per cubic foot of volume, except that the minimum fee shall be ~~sixty-five~~ seventy-five (~~\$65.00~~ \$75.00) dollars. Hightstown Borough Revised General Ordinances

4. For additions and alterations, permit fees shall cost the sum of respective fees for alterations and additions computed separately.

5. The fee for an above-ground swimming pool shall be ~~\$126.00~~ \$100.00. ~~for a pool with a surface area greater than 550 square feet; the fee in all other cases shall be \$65.00.~~ The fee for an in-ground swimming pool shall be ~~\$189.00~~ \$260.00. ~~The fee for an in-ground pool with a surface area greater than 550 square feet; the fee in all other cases shall be \$95.00.~~ \$400.00.

6. Retaining walls:

- (a) Group R-5: \$75.00.
- (b) All other groups: \$35.00 per \$1,000.

7. Gazebos:

- (a) Group R-5: \$75.00
- (b) All other groups: \$150.00

8. Asbestos hazard abatement fee.

- (a) An administrative fee of \$118.00 for each construction permit issued for an asbestos hazard abatement project.
- (b) An administrative fee of \$24.00 for each certificate of occupancy issued following the successful completion of an asbestos hazard abatement project.

9. Lead abatement fee.

- (a) The fee for a permit for lead hazard abatement work shall be \$196.00.
- (b) The fee for a lead abatement clearance certificate shall be \$39.00.

b. Plumbing Subcode Fees. Fees for the plumbing subcode shall be as follows:

Water closet	\$13.00 <u>\$25.00</u>
Urinal/bidet	\$13.00 <u>\$25.00</u>
Lavatory	\$13.00 <u>\$25.00</u>
Shower	\$13.00 <u>\$25.00</u>

Floor drain.....	\$13.00	\$25.00
Sink	\$13.00	\$25.00
Dishwasher.....	\$13.00	\$25.00
Drinking fountain.....	\$13.00	\$25.00
Washing machine.....	\$13.00	\$25.00
Hose bib	\$13.00	\$25.00
Water heater.....	\$13.00	\$25.00
Fuel oil piping.....	\$13.00	\$25.00
Gas piping	\$13.00	\$25.00
Steam boiler	\$82.00	\$85.00
Hot water boiler	\$82.00	\$85.00
Sewer pump	\$82.00	\$100.00
Interceptor/separator	\$82.00	\$85.00
Backflow preventer.....	\$82.00	\$85.00
Sewer connection.....	\$82.00	\$100.00
Water service connection.....	\$82.00	\$100.00
Stacks.....	\$13.00	\$25.00
<u>Air Admittance Valve (AAV).....</u>		<u>\$50.00</u>
Furnace.....	\$60.00	\$85.00
<u>Air conditioning unit.....</u>		<u>\$25.00</u>
<u>Air conditioning coil.....</u>		<u>\$25.00</u>
<u>Split</u>		
<u>system.....</u>		<u>\$25.00</u>

There shall be a minimum fee of ~~fifty-five~~ sixty-five dollars (~~\$55.00~~ \$65.00) for any permit in this subsection.

c. Electrical Subcode Fees. Fees for the electrical subcode shall be as follows:

Lighting fixtures, receptacles, switches, detectors, light poles, motors (fractional, h.p.), emergency and exit lights, communication points, and alarm devices which are less than 20 amps:

First 50 units.....	\$45.00	\$70.00
Each 10 units additional	\$11.00	\$13.00
Pool permit (lights included).....	\$69.00	\$125.00
Storable pool/spa/hot tub.....	\$69.00	\$125.00
Electrical range	\$13.00	\$25.00
Electrical water heater	\$13.00	\$25.00
Electrical dryer	\$13.00	\$25.00
Dishwasher	\$13.00	\$25.00

Air conditioning unit	\$13.00	<u>\$25.00</u>
Space heater.....	\$13.00	<u>\$25.00</u>
Baseboard heater (each)	\$13.00	<u>\$25.00</u>
H.P. motors (1+ HP) <u>Motor or Electrical Device</u>		
1 – 10 HP <u>or 1kw to 10kw</u>	\$13.00	<u>\$25.00</u>
10 – 50 HP <u>or 10kw to 50kw</u>	\$58.00	<u>\$125.00</u>
50 – 100 <u>HP or 50kw to 100kw</u>	\$116.00	<u>\$200.00</u>
100+ HP <u>or 100+kw</u>	\$576.00	<u>\$640.00</u>
KW Transformers/Generators (under 225 amps).....	\$58.00	<u>\$125.00</u>
KW Transformers/Generators (225 - 1000 amps).....	\$116.00	<u>\$200.00</u>
KW Transformers/Generators (over 1000 amps).....	\$576.00	<u>\$640.00</u>
Service entrance (amp service).....	Same as Transformers/Generators	
Smoke and Heat Detectors (one- and two-family dwellings)	\$29.00	<u>\$55.00</u>
KW Electric signs, outline lights.....	\$46.00	<u>\$70.00</u>
Photovoltaic Systems		
1 – 50 kilowatts.....	\$58.00	<u>\$125.00</u>
51-100 kilowatts.....	\$116.00	<u>\$200.00</u>
Greater than 100 kilowatts.....	\$576.00	<u>\$640.00</u>
Minimum permit.....	\$60.00	

There shall be a minimum fee of seventy dollars (\$70.00) for any permit in this subsection.

d. Fire Subcode Fee. The fee for the fire subcode shall be as follows:

1. For plan review to establish fire safety.....\$50.00
2. For inspection of new homes\$50.00
3. For inspection of newly installed wood stoves or fireplaces or new or rebuilt chimneys.....~~58.00~~ \$100.00
4. For inspection of smoke detectors:

<u>Number of Detectors</u>	<u>Fee</u>
(a) 1 to 20.....	75.00 <u>\$100.00</u>
(b) 21 to 100.....	151.00 <u>\$234.00</u>
(c) 101 to 200.....	\$289.00 <u>\$448.00</u>
(d) 201 to 400.....	\$748.00 <u>\$856.00</u>
(e) 401 to 1,000.....	\$1,036.00 <u>\$1605.00</u>
(f) Over 1,000.....	\$1,323.00 <u>\$2048.00</u>
5. For inspection of Flammable combustible storage tanks:

(a) Up to ~~one hundred (100)~~ two hundred seventy-five (275) gallons, not to include drums or gas cans.....~~58.00~~ \$100.00

(b) For each additional five hundred (500) gallons or fraction thereof~~40.00~~ \$50.00

6. For inspection of sprinkler systems:

Number of Heads	Fee
1 to 20	\$ 82.00 <u>\$100.00</u>
21 to 100	151.00 <u>\$234.00</u>
101 to 200	289.00 <u>\$448.00</u>
201 to 400	748.00 <u>\$856.00</u>
401 to 1000	1,036.00 <u>\$1605.00</u>
Over 1000	1,323.00 <u>\$2048.00</u>

7. Independent pre-engineered systems (per systems)

~~For inspecting fire hazards, such as boilers, fire suppression systems, fire hose cabinets, fire alarms and standpipes, per visit.....~~~~\$60.00~~ \$165.00

8. Gas or oil-fired appliance which is not connected to the plumbing system (per appliance)

- (a) Use group R-5 \$100.00
- (b) All other groups \$165.00

9. Smoke control system or fire alarm control panel replacement

(per system).....~~\$165.00~~

10. Supervisory devices.....~~\$100.00~~

11. Signaling devices.....~~\$165.00~~

12. Kitchen exhaust system (per system).....~~\$165.00~~

13. Engineered suppressions pre-action systems, or Dry pipe/alarm valves.....~~\$165.00~~

14. Standpipe, hydrant or fire pump (each).....~~\$325.00~~

15. Underground water service for protection (per service).....~~\$400.00~~

e. Mechanical Subcode Fee. The fee for the mechanical subcode shall be as follows:

Furnace.....~~\$85.00~~

<u>Boiler, hot water or steam.....</u>	<u>\$85.00</u>
<u>Water heater.....</u>	<u>\$25.00</u>
<u>Air conditioning unit.....</u>	<u>\$25.00</u>
<u>Air conditioning coil.....</u>	<u>\$25.00</u>
<u>Split system.....</u>	<u>\$25.00</u>
<u>Fuel oil equipment.....</u>	<u>\$85.00</u>
<u>Gas or fuel oil piping.....</u>	<u>\$25.00</u>
<u>Oil tank.....</u>	<u>\$65.00</u>
<u>Temporary LPG tank.....</u>	<u>\$25.00</u>
<u>Fireplace insert.....</u>	<u>\$65.00</u>

There shall be a minimum fee of sixty-five dollars (\$65.00) for any permit in this subsection.

(1991 Code § 81-14; Ord. No. 847 § 1; Ord. so No. 1996-6 § 1; Ord. No. 2000-19; Ord. No. 2001-16; Ord. 2000-19, Amended, 08/24/2000; Ord. No. 2004-31 § 1; Ord. No. 2008-09; Ord. No. 2015-18

Subsection 12-2-2 Plan Review Fees.

The fee for plan review shall be five (5%) percent of the amount charged for the construction permit. The fee for the plan review of a consultative nature where no immediate construction is planned shall be twenty (20%) percent of the estimated cost of the construction work or ~~fifty-five~~ **seventy-five** (~~\$55.00~~ **\$75.00**) dollars, whichever is higher. (1991 Code § 81-15; Ord. No. 847 § 1; Ord. No. 1996-6 § 2) (Ord. 2000-19, Amended, 08/24/2000)

Subsection 12-2-3 Demolition Fees.

The fee for a permit for demolition of a building or structure shall be two hundred ~~sixty~~ (~~\$200.00~~ **\$260.00**) dollars for one (1)-family or two (2)-family residences, ~~sixty-five~~ **seventy-five** (~~\$65.00~~ **\$75.00**) dollars for garage or storage sheds, and three hundred (\$300.00) dollars for all other buildings or structures.

The fee for a permit for underground storage tank removal shall be ~~\$75.00~~ **\$100.00** for a residential property, \$250.00 for all other uses. (1991 Code § 81-16; Ord. No. 847 § 1; Ord. No. 2015-18) (Ord. 2000-19, Amended, 08/24/2000)

Subsection 12-2-4 Building Removal; Structural Inspection of Existing Dwelling Fees.

a. The fee for a permit for the removal of a building or structure from one (1) lot to another or to a new location on the same lot shall be ten (\$10.00) dollars per one thousand (\$1,000.00) dollars of the sum of the estimated costs for moving, for new foundations and for placement in a complete condition in the new location, except that the minimum fee shall be ~~seventy-five~~ (~~\$50.00~~ **\$75.00**) dollars.

b. The fee or structural inspection of an existing dwelling shall be ~~fifty~~ **seventy-five** (~~\$50.00~~ **\$75.00**) dollars. (1991 Code § 81-17; Ord. No. 847 § 1) (Ord. 2000-19, Amended, 08/24/2000)

Subsection 12-2-5 Sign Construction Fees.

The fee for a permit to construct a sign shall be ~~two~~ **four** (~~\$2.00~~ **\$4.00**) dollars per square foot of the surface area of the sign, except that the minimum fee shall be ~~fifty-five~~ **seventy-five** (~~\$55.00~~ **\$75.00**) dollars. (1991 Code § 81-18; Ord. No. 847 § 1; Ord. 2000-19, Amended, 08/24/2000; Ord. No. 2004-31, § 2)

Subsection 12-2-6 Certificates of Occupancy Fees.

The following fees shall be charged for certificates of occupancy:

- a. New home: Ten (10%) percent of the construction permit fee, but not less than ~~\$55.00~~. \$65.00
- b. Additions, etc.
~~\$55.00~~. \$65.00
- c. Change of use
100.00
- d. Continued occupancy
~~50.00~~ \$65.00
- e. Temporary occupancy
None

(1991 Code § 81-19; Ord. No. 847 § 1; Ord. 2000-19, Amended, 08/24/2000; Ord. No. 2004-31, § 3)

Subsection 12-2-7 Biannual Report to Borough Council Recommending Fee Schedule.

The Construction Official shall, with the advice of the subcode officials, prepare and submit to the Borough Council biannually a report recommending a fee schedule based on the operating expenses of the agency and any other expenses of the municipality fairly attributable to the enforcement of the State Uniform

Construction Code Act. (1991 Code § 81-21; Ord. No. 847 § 1; Ord. 2000-19, Amended, 08/24/2000)

Subsection 12-2-8 Surcharge.

As required by the Department of Community Affairs, the enforcing agency shall collect, in addition to the fees specified above, a surcharge fee of ~~\$0.0016~~ \$0.00371 per cubic foot of volume of new construction,

and ~~(\$0.80) cents~~ (\$1.90) dollars per one thousand (\$1,000.00) dollars of construction costs of all other permits.

Such surcharge fee shall be remitted to the Bureau of Housing Inspection, Department of Community Affairs,

on a quarterly basis for the fiscal quarters ending March 31, June 30, September 30 and December 31, and not later than one (1) month next succeeding the end of the quarter for which it is due. In the fiscal year in

which the regulations first become effective, such fee shall be collected and remitted for the third and fourth quarters only. (1991 Code § 81-22; Ord. No. 847 § 1) (Ord. 2000-19, Amended, 08/24/2000)

Subsection 12-2-9 Report of Fees Collected.

The enforcing agency shall report annually, at the end of each fiscal year, to the Bureau of Housing Inspection, and not later than July 31, the total amount of the surcharge fee collected in the fiscal year. In the fiscal year in which the regulations first become effective, such report shall be for the third and fourth quarters only. (1991 Code § 81-23; Ord. No. 847 § 1) (Ord. 2000-19, Amended, 08/24/2000)

Subsection 12-2-10 Temporary Waiver of Construction Permit Fees

Fees shall be waived for all municipal construction permits issued for alterations on any building in the Borough's designated CC-1 (Central Commercial 1) zone between November 1, 2001 and the date of

completion of the downtown revitalization or December 31, 2002, whichever occurs first. New Jersey DCA training fees will not be waived. (New - Ord. No. 2001-21)

Subsection 12-2-11 Application for a Variation

The fee for an application for a variation in accordance with the Uniform Construction Code shall be: ~~one hundred and fifty~~ (\$150.00) dollars. (New — Ord. No. 2008-09)

(a) <u>Group R-5</u>	<u>\$150.00</u>
(b) <u>All other Class 3</u>	<u>\$165.00</u>
(c) <u>Class 2</u>	<u>\$165.00</u>
(d) <u>Class 1</u>	<u>\$820.00</u>
(e) <u>Resubmissions, Class 2 and Class 3</u>	<u>\$90.00</u>

Resubmission Class 1

Chapter 28

ZONING

Subsection T28-18-2T Zoning Permit Required; Fee.

a. No building or structure in any district shall be erected, enlarged or altered, nor may land be used or improved, unless and until a zoning permit has been duly issued by the Zoning Officer. No zoning permit shall be issued by the Zoning Officer except in conformity with the provisions of this chapter, unless he receives a written order from the Board of Adjustment or Planning Board.

b. The fee for issuance of a zoning permit shall be ~~forty five~~ fifty (~~\$45.00~~ \$50.00) dollars. (1991 Code § 233-42; Ord. No. 2000-29; Ord. No. 2004-31 §

Section 2. All other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

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

Ordinance 2022-03 First Reading and Introduction - An Ordinance Amending and Supplementing Chapter 28, Entitled “Zoning,” Subsection 28-3-5 “R-1 Residential District” of the “Revised General Ordinances of the Borough of Hightstown, New Jersey.”

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

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

Ordinance introduced 6-0. Public Hearing scheduled for March 7, 2022

ORDINANCE 2022-03

BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 28, ENTITLED “ZONING,” SUBSECTION 28-3-5 “R-1 RESIDENTIAL DISTRICT” OF THE “REVISED GENERAL ORDINANCES

OF THE BOROUGH OF HIGHTSTOWN, NEW JERSEY,”

WHEREAS, the existing regulations of the Borough of Hightstown (the “Borough”) as pertains to Accessory Structures are set forth in Chapter 28 entitled “Zoning,” of the “Revised General Ordinances of the Borough of Hightstown, New Jersey;” and

WHEREAS, the Mayor and Council wish to make certain revisions thereto relating Chapter 28 Subsection 28-3-5.

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

Section 1. Chapter 28, entitled “Zoning,” Subsection 28-3-5 entitled “R-1 Residential District” of the “Revised General Ordinances of the Borough of Hightstown, New Jersey,” is hereby amended and supplemented in the following limited respects (deletions are shown with ~~strikeout~~, additions are shown with underline):

Subsection T28-3-5T R-1 Residential District.

a. Permitted Uses. In the R-1 Residential District, the following uses, and no others, shall be permitted:

1. Principal Uses:

- (a) Detached single-family dwellings, which may contain a professional office or private school, subject to the regulations of subsection 28-10.3, or a customary home occupation subject to the regulations of subsection 28-10.6.
- (b) Public or private schools, subject to the restrictions set forth in subsection 28-10.1.
- (c) Places of worship, subject to the restrictions set forth in subsection 28-10.2.
- (d) Public facilities.
- (e) Public utility offices and facilities.
- (f) Hospitals, sanitariums and nursing homes.
- (g) Cemeteries, but not including mausoleums or crematoriums, and further limited to the properties used for cemetery purposes at the time of the adoption of Ordinance No. 93-852. It is not the intent of this subparagraph to prohibit additional grave sites on property used for cemetery purposes at the time of the adoption of the aforesaid ordinance.
- (h) Agriculture and horticulture, including sale of farm products on properties where produced.
- (i) Community residences for the developmentally disabled, community residences for the mentally ill and community residences for persons with head injuries.
- (j) Community shelter for victims of domestic violence, as defined in N.J.S. 40:55D-66.2(b), housing up to six (6) persons, exclusive of staff.
- (k) Family day care homes, as defined in N.J.S. 40:55D-66.5 as a home occupation, subject to the regulations set forth in subsection 28-10.6.

2. Accessory Uses:

- (a) Carports, accessory garages and/or open parking spaces with necessary driveways for vehicles belonging to residents on the premises and their guests.
- (b) Noncommercial solariums and home swimming pools, provided that suitable protective fencing at least four (4') feet high shall surround the pool.
- (c) Home-based occupations as defined in Section 28-10-6 and professional offices, provided that the

professional resides on the premises, and further provided that no more than one nonresident employee shall be permitted. The home-based occupations, professional offices, home study, non-commercial gym room or recreation room may be located in a detached garage. A kitchen, full bath or bedrooms are not allowed in the detached garage.

(d) Signs as provided in subsection 28-3.5b, 12.

(e) Fences and walls.

(f) Subject to lot coverage requirements, no more than two (2) storage sheds are permitted on a lot.

(g) Satellite dishes, subject to the restrictions and requirements set forth in subsection 28-10.18.

(h) Yard structures to include gazebos, pergolas or arbors, subject to the restrictions and requirements set forth in subsection 28-10-20.

(i) Playground equipment, including but not limited to swing sets, non-elevated children's playhouses, etc.; however, no zoning permit shall be required. Tree houses shall not be located within ten (10') feet of any property line.

3. Conditional Uses. Shelters for victims of domestic violence housing more than six (6) but fewer than sixteen (16) persons excluding staff, developed in accordance with the standards and conditions set forth in subsection 28-10.7.

b. Other Restrictions.

1. Lot Area. A lot of not less than fifteen thousand (15,000) square feet shall be required.

2. Lot Width. A lot width of not less than one hundred (100') feet shall be required.

3. Lot Depth. A lot depth of not less than one hundred fifty (150') feet shall be required.

4. Front Yard. No portion of any building shall be located nearer to any street line than thirty-five (35') feet, except that projections such as windowsills, cornices, cantilevered roofs, open one-story porches, balconies, other roof overhangs, canopies, bay windows and others of the same nature may project not more than five (5') feet into a required front yard. Further, no building erected on any lot need be set back farther from the street line than the average alignment of existing buildings within two hundred (200') feet on each side of the lot and within the same block front and district. Regardless of the alignment of neighboring buildings, however, no building erected between two (2) existing buildings on immediately adjacent lots need be set back farther than that of the two (2) buildings which is farther from the street line. The front yard setback shall be fifty (50') feet for the following uses: Public or private schools, places of worship, public facilities, hospitals, sanitariums and nursing homes.

5. Side Yards; Principal Buildings. There shall be two (2) side yards having an aggregate width of thirty-five (35') feet, each having a width not less than fifteen (15') feet. In the case of a corner lot, the side yard on the street side shall be not less than twenty-five (25') feet.

6. Side Yards; Accessory Buildings. There shall be two (2) side yards having an aggregate width of thirty-five (35') feet, each having a width of not less than three (3') feet.

7. Rear Yard; Principal Buildings. There shall be rear yard not less than forty-five (45') feet deep. In the case of a lot extending through from street to street, the front yard requirements shall be observed on both streets. Projections, such as windowsills, cornices, cantilever roofs, open one-story porches or decks, balconies, other roof overhangs, canopies, bay windows and others of the same nature, may project not more than five (5') feet into a required rear yard.

8. Rear Yard; Accessory Buildings. There shall be a rear yard not less than three (3') feet deep behind accessory buildings. In the case of a lot extending through from street to street, the front yard requirements shall

be observed on both streets.

9. Height. The maximum height shall be two and one-half (2 1/2) stories, not to exceed thirty-five (35') feet. For accessory structures, the maximum height shall be sixteen (16') feet. The maximum height of a detached garage shall be twenty four (24') feet. The maximum eave height of the main roof of a detached garage shall be twelve (12') feet.

10. Lot Coverage. Total lot coverage of all buildings shall not exceed twenty (20%) percent of the gross lot area. The total lot coverage of all structures and other lot improvements shall not exceed thirty-five (35%) percent of the gross lot area.

11. Parking. Off-street parking spaces shall be provided as follows:

- (a) Detached single-family dwellings, two (2) spaces.
- (b) Public or private schools, one (1) space for each six (6) seats or area equivalent thereto, plus one (1) space for each full-time employee.
- (c) Places of worship, the same as for schools.
- (d) Public facilities, one (1) space for each four hundred (400) square feet of floor area where the building contains over two thousand (2,000) square feet of floor area.
- (e) Public utility offices and other facilities, the same as for public facilities.
- (f) Hospitals, sanitariums or nursing homes, one (1) space for each four (4) beds, plus one (1) space for each full-time employee or volunteer or equivalent per shift.
- (g) Cemeteries, one (1) space for every fifty (50) filled graves less than twenty (20) years old.
- (h) Agriculture and horticulture, none.
- (i) Other uses when permitted by variance, the number required in the least restricted district where the use is permitted unless otherwise stipulated by the Planning Board.

12. Signs. The following types of signs shall be permitted in the R-1 Residential District:

- (a) Nameplates and identification signs: signs indicating the name or address of the occupant or a permitted home occupation or profession bearing only the business name and profession of the user on the site, provided that they shall not exceed two (2) square feet in area. Only one (1) sign shall be permitted per dwelling unit, except in the case of corner lots, where two (2) such signs, one (1) facing each street, shall be permitted.
- (b) Sales or rental signs: signs advertising the sale or rental of the premises upon which they are located, provided that they shall not exceed four (4) square feet in area. Not more than one (1) such sign may be placed upon any property unless such property fronts upon more than one (1) street, in which case two (2) signs may be erected, one (1) facing each street. Such signs shall be promptly removed when premises are sold or rented.
- (c) Institutional and agricultural signs: signs of schools, colleges, churches, hospitals or other institutions of a similar public or semipublic nature and signs for agricultural or horticultural establishments, provided that the size of any sign shall not exceed twenty (20) square feet in area. Not more than one (1) such sign shall be permitted for an institution unless the property fronts upon more than one (1) street, in which case two (2) such signs may be erected, one (1) facing each street.
- (d) Signs accessory to parking areas: signs designating entrances or exits to or from a parking area, provided that the size of any sign shall not exceed four (4) square feet in area, and signs designating the identity and conditions of use of parking areas, provided that the size of any such sign shall not exceed eight (8) square feet in area. Not more than one (1) sign may be placed upon any property unless such property fronts upon more than one (1) street, in which event two (2) such signs

may be permitted, one (1) facing each street.

(e) Development signs:

(1) Signs advertising the sale or development of the premises upon which they are located may be erected by a builder, contractor, developer or other person interested in such sale or development, provided that the area of any sign shall not exceed twenty (20) square feet.

(2) Not more than one (1) sign may be placed upon any such property unless such property fronts upon more than one (1) street, in which event one (1) such sign may be erected facing each street.

(3) Such sign shall be removed by the developer within thirty (30) days of the final sale of the property.

(f) Directional signs for developments:

(1) Signs indicating the location and direction of premises available for or in the process of development, but not erected upon such premises, and having inscribed thereon the name of the owner, developer, builder or agent may be erected, provided that the area of any sign shall not exceed four (4) square feet in area nor four (4') feet in length.

(2) No more than one (1) such sign may be erected on each five hundred (500') feet of street frontage.

(3) Such signs shall be removed by the developer within thirty (30) days of the final sale of the property.

(g) Artisans' signs:

(1) Signs of builders, electrical contractors, painters and other artisans may be erected and maintained during the period in which such persons are performing work on the premises, provided that the size of any such sign shall not exceed twelve (12) square feet in area.

(2) Such signs shall be removed promptly upon completion of the work.

(h) Private driveways: signs indicating the private nature of a driveway, provided that the size of any such sign shall not exceed two (2) square feet in area.

13. Sight Triangles. Buildings, signs and other structures shall be located so that an adequate line of vision is provided across sight triangles as required in subsection 28-10.8.

(1991 Code § 233-8, 233-9; Ord. No. 93-852; Ord. No. 1997-33 §§ 2, 3; Ord. No. 2010-08; Ord. No. 2013-13; Ord. No. 2015-28; Ord. No. 2020-01)

Ordinance 2022-04 First Reading and Introduction – An Ordinance Amending and Supplementing Chapter 8, Entitled “Towing and Storage,” Section 8-7 “Rules and Regulations” of the “Revised General Ordinances of the Borough of Hightstown, New Jersey,”

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

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

Ordinance introduced 6-0. Public Hearing scheduled for March 7, 2022

ORDINANCE 2022-04

BOROUGH OF HIGHTSTOWN

COUNTY OF MERCER
STATE OF NEW JERSEY

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 8, ENTITLED “TOWING AND STORAGE,” SECTION 8-7 “RULES AND REGULATIONS” OF THE “REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN, NEW JERSEY,”

WHEREAS, the existing regulations of the Borough of Hightstown (the “Borough”) as pertains to rules and regulations for towing companies are set forth in Chapter 8 entitled “Towing and Storage,” 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 Chapter 8 Section 8-7.

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 8, entitled “Towing and Storage,” Section 8-7 entitled “Rules and Regulations” of the “Revised General Ordinances of the Borough of Hightstown, New Jersey,” is hereby amended and supplemented in the following limited respects (deletions are shown with ~~strikeout~~, additions are shown with underline):

Section 8-7 Rules and Regulations.

a. All towing services placed on the towing list shall be available to respond to a call in accordance with the towing rotation schedule of on-call status established by the Chief of Police.

b. All towing services shall respond to a call in any part of the Borough within twenty (20) minutes. If a towing service does not respond within twenty (20) minutes of a call, the towing service next on the list shall be called and entitled to provide services as needed, and the first towing service shall lose any claim to compensation.

c. All drivers and operators of towing vehicles shall be properly licensed to operate a motor vehicle within the State of New Jersey and are subject to driver’s license checks by the Borough police department at the time of registration and at least on a bi-annual basis thereafter. All towing vehicles shall be properly registered and inspected in accordance with any applicable law.

d. All vehicles must be towed in a safe manner.

e. All towing services shall be capable of providing reasonable roadside services to disabled vehicles such as, but not limited to, jump-starting, changing of flat tires, vehicle lockouts and providing fuel. Such services will only be performed if they can be done so safely, as determined by the police officer on the scene. The fees charged for these services shall be in accordance with this chapter.

f. All towing services shall make available a copy of its basic rates and a business card to all owners and operators of motor vehicles which will be towed.

g. All towing services shall keep accurate records of all motor vehicles towed and stored at the direction of the Borough police department. A copy of such records shall be provided to the Borough upon request.

h. Towing services shall not remove any motor vehicle which has been abandoned or involved in an accident in any public roadway without first notifying the Borough police department.

i. The police department shall not call a towing service to remove a vehicle from private property. The police

department shall provide the property owner with all available information regarding the ownership of the motor vehicle on their property, and the property owner will then be responsible for making their own arrangements to remove the vehicle.

j. The towing service shall notify the police department of all vehicles found by the towing service to have been abandoned and not claimed within fourteen (14) days after being stored. The police department shall, upon notification, expeditiously process the vehicle in accordance with the New Jersey Motor Vehicle Code concerning abandoned and unclaimed motor vehicles.

k. An invoice and/or receipt shall be provided to the owner or operator of the towed vehicle indicating the amounts charged and the service provided, a copy of which shall be provided to the Hightstown Police Department and the Borough Administrator.

~~kl.~~ Towing service shall be in compliance with the State Affirmative Action statutes and rules.

~~lm.~~ Towing service must be in compliance with the Americans with Disabilities Act.

~~mn.~~ Towing service shall confirm that it is an independent contractor and does not represent or act for the Borough of Hightstown in any way.

~~no.~~ All towing services authorized by the Borough of Hightstown must perform emergency roadside assistance when so requested by the Hightstown Police Department.

~~op.~~ Nothing in this chapter shall preclude the right of a motorist or vehicle operator to summon a tow operator of his or her own choosing, pursuant to the provisions of Section 8-2.

~~pq.~~ The Borough of Hightstown shall not be liable for the cost of any services performed by the towing service unless those services are performed on borough vehicles.

(Ord. No. 2019-05)

Section 2. All other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

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

RESOLUTIONS

Resolution 2022-055 Authorizing Payment of Bills

Moved by Councilmember Cicalese; Seconded by Councilmember Fowler

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

Resolution adopted 6-0.

Resolution 2022-055

*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 \$1,791,243.05 from the following accounts:

Current		\$1,649,763.24	
W/S Operating		140,444.65	
General Capital		936.16	
Water/Sewer Capital		0.00	
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	
Housing Trust		0.00	
Escrow		<u>99.00</u>	
Total		<u>\$1,791,243.05</u>	

Resolution 2022-056 Resolution Determining the Form and Other Details of Not Exceeding \$1,435,000 Bonds of the Borough of Hightstown, in the County of Mercer, New Jersey, and Providing for their Sale to the New Jersey Infrastructure Bank and the State of New Jersey and Further Authorizing the Execution of Various Agreements, All Pursuant to the New Jersey Water Bank

Moved by Councilmember Misiura; Seconded by Councilmember Cicalese.

CFO, George Lang, stated that this is for the water mains at Stockton Street, Forman Street and First Avenue. We are getting low funding and hopefully forgiveness. We funded this project ourselves since the Ibank did not have funding at the time we started the project. We issued notes which is temporary funding. We can now permanently fund through the Ibank. Bond Counsel is now working on this.

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

Resolution adopted 6-0.

Resolution 2022-056
BOROUGH OF HIGHTSTOWN

*COUNTY OF MERCER
STATE OF NEW JERSEY*

**RESOLUTION DETERMINING THE FORM AND OTHER DETAILS OF NOT
EXCEEDING \$1,435,000 BONDS OF THE BOROUGH OF HIGHTSTOWN, IN THE
COUNTY OF MERCER, NEW JERSEY, AND PROVIDING FOR THEIR SALE TO THE
NEW JERSEY INFRASTRUCTURE BANK AND THE STATE OF NEW JERSEY AND
FURTHER AUTHORIZING THE EXECUTION OF VARIOUS AGREEMENTS, ALL
PURSUANT TO THE NEW JERSEY WATER BANK**

WHEREAS, the Borough of Hightstown, in the County of Mercer, New Jersey (the "Local Unit"), has determined that there exists a need within the Local Unit to acquire, construct, renovate or install a project consisting of various improvements, including the replacing and relining of the water mains and improvements to the water-sewer system, including all work and materials necessary therefor and incidental thereto (the "Project") as defined in each of that certain Loan Agreement (the "I-Bank Loan Agreement") to be entered into by and between the Local Unit and the New Jersey Infrastructure Bank (the "I-Bank") and that certain Loan Agreement (the "Fund Loan Agreement," and together with the I-Bank Loan Agreement, the "Loan Agreements") to be entered into by and between the Local Unit and the State of New Jersey, acting by and through the New Jersey Department of Environmental Protection (the "State"), all pursuant to the New Jersey Water Bank financing program (the "Program");

WHEREAS, the Local Unit has determined to finance the acquisition, construction, renovation or installation of the Project with the proceeds of a loan to be made by each of the I-Bank (the "I-Bank Loan") and the State (the "Fund Loan," and together with the I-Bank Loan, the "Loans") pursuant to the I-Bank Loan Agreement and the Fund Loan Agreement, respectively;

WHEREAS, to evidence the Loans, each of the I-Bank and the State require the Local Unit to authorize, execute, attest and deliver the Local Unit's Bonds to the I-Bank (the "I-Bank Loan Bond") and Bonds to the State (the "Fund Loan Bond," and together with the I-Bank Loan Bond, the "Local Unit Bonds"), said Local Unit Bonds to be issued in an aggregate principal amount not to exceed \$1,435,000 pursuant to the terms of the Local Bond Law of the State, constituting Chapter 2 of Title 40A of the Revised Statutes of the State (the "Local Bond Law"), other applicable law and the Loan Agreements;

WHEREAS, N.J.S.A. 40A:2-27(a)(2) of the Local Bond Law allows for the sale of the I-Bank Loan Bond and the Fund Loan Bond to the I-Bank and the State, respectively, without any public offering, and N.J.S.A. 58:11B-9(a) allows for the sale of the I-Bank Loan Bond to the I-Bank without any public offering, all under the terms and conditions set forth herein;

WHEREAS, the I-Bank and the State have expressed their desire to close in escrow the making of the Loans, the issuance of the Local Unit Bonds and the execution and delivery of the Loan Agreements, all pursuant to the terms of an Escrow Agreement (the "Escrow Agreement") to be entered into by and among the I-Bank, the State, the Local Unit and the escrow agent named therein.

NOW, THEREFORE, BE IT RESOLVED by a 2/3 vote of the full membership of the governing body of the Local Unit as follows:

Section 1. The I-Bank Loan Agreement, the Fund Loan Agreement and the Escrow Agreement (collectively, the "Financing Documents") are hereby authorized to be executed and delivered on behalf of the Local Unit by either the Borough President or the Chief Financial Officer in substantially the forms on file with the Clerk, with such changes as the Borough President or the Chief Financial Officer (each an "Authorized Officer"), in their respective sole discretion, after consultation with counsel and any advisors to the Local Unit (collectively, the "Local Unit Consultants") and after further consultation with the I-Bank, the State and their representatives, agents, counsel and advisors (collectively, the "Program Consultants," and together with the Local Unit Consultants, the "Consultants"), shall determine, such determination to be conclusively evidenced by the execution of such Financing Documents by

an Authorized Officer as determined hereunder. The Local Unit Clerk is hereby authorized to attest to the execution of the Financing Documents by an Authorized Officer of the Local Unit as determined hereunder and to affix the corporate seal of the Local Unit to such Financing Documents.

Section 2. 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 Local Unit Clerk, as applicable, in their respective sole discretion, after consultation with the Consultants, to be executed in connection with the execution and delivery of the Financing Documents and the consummation of the transactions contemplated thereby, 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 thereof.

Section 3. In accordance with N.J.S.A. 40A:2-27(a)(2) of the Local Bond Law and N.J.S.A. 58:11B-9(a), the Local Unit hereby sells and awards its I-Bank Loan Bond to the I-Bank and its Fund Loan Bond to the State, in a total aggregate principal amount not to exceed \$1,435,000, all in accordance with the provisions hereof. The Local Unit Bonds have been referred to and are described in bond ordinance #2017-10 of the Local Unit, finally adopted on August 21, 2017, entitled “Bond Ordinance Providing for Various Improvements to the Water-Sewer Utility in and by the Borough of Hightstown, in the County of Mercer, New Jersey, Appropriating \$1,270,000 Therefor and Authorizing the Issuance of \$1,270,000 Bonds or Notes of the Borough to Finance the Cost Thereof”, as supplemented by bond ordinance #2019-09 of the Local Unit, finally adopted June 17, 2019, entitled “Bond Ordinance Providing a Supplemental Appropriation of \$165,000 for Various Improvements to the Water-Sewer Utility in and by the Borough of Hightstown, in the County of Mercer, New Jersey, and Authorizing the Issuance of \$165,000 Bonds or Notes of the Borough to Finance Part of the Cost Thereof. The aforementioned bond ordinances were finally adopted by the Local Unit at meetings duly called as set forth above, at which time a quorum was present and acted throughout, all pursuant to the terms of the Local Bond Law and other applicable law.

Section 4. The Chief Financial Officer of the Local Unit is hereby authorized to determine, in accordance with the Local Bond Law and pursuant to the terms and conditions established by the I-Bank and the State under the Loan Agreements and the terms and conditions hereof, the following items with respect to the I-Bank Loan Bond and the Fund Loan Bond:

- (a) The aggregate principal amounts of the I-Bank Loan Bond and the Fund Loan Bond to be issued;
- (b) The maturity and annual principal installments of the Local Unit Bonds, which maturity shall not exceed 40 years;
- (c) The date of the Local Unit Bonds;
- (d) The interest rates of the Local Unit Bonds;
- (e) The purchase price for the Local Unit Bonds; and
- (f) The terms and conditions under which the Local Unit Bonds shall be subject to redemption prior to their stated maturities.

Section 5. Any determination made by the Chief Financial Officer pursuant to the terms hereof shall be conclusively evidenced by the execution and attestation of the Local Unit Bonds by the parties authorized under Section 4 hereof.

Section 6. The Local Unit hereby determines that certain terms of the Local Unit Bonds shall be as follows:

- (a) The I-Bank Loan Bond shall be issued in a single denomination and shall be numbered R-1. The Fund Loan Bond shall be issued in a single denomination and shall be numbered R-2;

(b) The Local Unit Bonds shall be issued in fully registered form and shall be payable to the registered owners thereof as to both principal and interest in lawful money of the United States of America; and

(c) The Local Unit Bonds shall be executed by the manual or facsimile signatures of the Borough President 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 7. The I-Bank Loan Bond and the Fund Loan Bond shall be substantially in the form set forth in the I-Bank Loan Agreement and the Fund Loan Agreement, respectively.

Section 8. The law firm of McManimon, Scotland & Baumann, LLC is hereby authorized to arrange for the printing of the Local Unit Bonds, which law firm may authorize McCarter & English, LLP, bond counsel to the I-Bank and the State for the Program, to arrange for same. The Local Unit auditor is hereby authorized to prepare the financial information necessary in connection with the issuance of the Local Unit Bonds. The Borough President, the Chief Financial Officer and the Local Unit Clerk are hereby authorized to execute any certificates necessary or desirable in connection with the financial and other information.

Section 9. The terms of the Local Unit Bonds authorized to be set forth by the Chief Financial Officer in accordance with Section 2 hereof shall be ratified by the affirmative vote of 2/3 of the full membership of the governing body of the Local Unit.

Section 10. The Borough President and the Chief Financial Officer are hereby severally authorized to execute any certificates or documents necessary or desirable in connection with the sale of the Local Unit Bonds, and are further authorized to deliver same to the I-Bank and the State upon delivery of the Local Unit Bonds and the receipt of payment therefor in accordance with the Loan Agreements.

Section 11. This resolution shall take effect immediately.

Section 12. 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, and Richard T. Nolan, Esq., McCarter & English, LLP, bond counsel to the I-Bank.

Resolution 2022-056

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

RESOLUTION DETERMINING THE FORM AND OTHER DETAILS OF NOT EXCEEDING \$1,435,000 BONDS OF THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY, AND PROVIDING FOR THEIR SALE TO THE NEW JERSEY INFRASTRUCTURE BANK AND THE STATE OF NEW JERSEY AND FURTHER AUTHORIZING THE EXECUTION OF VARIOUS AGREEMENTS, ALL PURSUANT TO THE NEW JERSEY WATER BANK

WHEREAS, the Borough of Hightstown, in the County of Mercer, New Jersey (the "Local Unit"), has determined that there exists a need within the Local Unit to acquire, construct, renovate or install a project consisting of various improvements, including the replacing and relining of the water mains and improvements to the water-sewer system, including all work and materials necessary therefor and incidental thereto (the "Project") as defined in each of that certain Loan Agreement (the "I-Bank Loan Agreement") to be entered into by and between the Local Unit and the New Jersey Infrastructure Bank (the "I-Bank") and that certain Loan Agreement (the "Fund Loan Agreement," and together with the I-Bank Loan Agreement, the "Loan Agreements") to be entered into by and between the Local Unit and the State of New Jersey, acting by and through the New Jersey Department of Environmental Protection (the

"State"), all pursuant to the New Jersey Water Bank financing program (the "Program");

WHEREAS, the Local Unit has determined to finance the acquisition, construction, renovation or installation of the Project with the proceeds of a loan to be made by each of the I-Bank (the "I-Bank Loan") and the State (the "Fund Loan," and together with the I-Bank Loan, the "Loans") pursuant to the I-Bank Loan Agreement and the Fund Loan Agreement, respectively;

WHEREAS, to evidence the Loans, each of the I-Bank and the State require the Local Unit to authorize, execute, attest and deliver the Local Unit's Bonds to the I-Bank (the "I-Bank Loan Bond") and Bonds to the State (the "Fund Loan Bond," and together with the I-Bank Loan Bond, the "Local Unit Bonds"), said Local Unit Bonds to be issued in an aggregate principal amount not to exceed \$1,435,000 pursuant to the terms of the Local Bond Law of the State, constituting Chapter 2 of Title 40A of the Revised Statutes of the State (the "Local Bond Law"), other applicable law and the Loan Agreements;

WHEREAS, N.J.S.A. 40A:2-27(a)(2) of the Local Bond Law allows for the sale of the I-Bank Loan Bond and the Fund Loan Bond to the I-Bank and the State, respectively, without any public offering, and N.J.S.A. 58:11B-9(a) allows for the sale of the I-Bank Loan Bond to the I-Bank without any public offering, all under the terms and conditions set forth herein;

WHEREAS, the I-Bank and the State have expressed their desire to close in escrow the making of the Loans, the issuance of the Local Unit Bonds and the execution and delivery of the Loan Agreements, all pursuant to the terms of an Escrow Agreement (the "Escrow Agreement") to be entered into by and among the I-Bank, the State, the Local Unit and the escrow agent named therein.

NOW, THEREFORE, BE IT RESOLVED by a 2/3 vote of the full membership of the governing body of the Local Unit as follows:

Section 1. The I-Bank Loan Agreement, the Fund Loan Agreement and the Escrow Agreement (collectively, the "Financing Documents") are hereby authorized to be executed and delivered on behalf of the Local Unit by either the Borough President or the Chief Financial Officer in substantially the forms on file with the Clerk, with such changes as the Borough President or the Chief Financial Officer (each an "Authorized Officer"), in their respective sole discretion, after consultation with counsel and any advisors to the Local Unit (collectively, the "Local Unit Consultants") and after further consultation with the I-Bank, the State and their representatives, agents, counsel and advisors (collectively, the "Program Consultants," and together with the Local Unit Consultants, the "Consultants"), shall determine, such determination to be conclusively evidenced by the execution of such Financing Documents by an Authorized Officer as determined hereunder. The Local Unit Clerk is hereby authorized to attest to the execution of the Financing Documents by an Authorized Officer of the Local Unit as determined hereunder and to affix the corporate seal of the Local Unit to such Financing Documents.

Section 2. 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 Local Unit Clerk, as applicable, in their respective sole discretion, after consultation with the Consultants, to be executed in connection with the execution and delivery of the Financing Documents and the consummation of the transactions contemplated thereby, 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 thereof.

Section 3. In accordance with N.J.S.A. 40A:2-27(a)(2) of the Local Bond Law and N.J.S.A. 58:11B-9(a), the Local Unit hereby sells and awards its I-Bank Loan Bond to the I-Bank and its Fund Loan Bond to the State, in a total aggregate principal amount not to exceed \$1,435,000, all in accordance with the provisions hereof. The Local Unit Bonds have been referred to and are described in bond ordinance #2017-10 of the Local Unit, finally adopted on August 21, 2017, entitled "Bond Ordinance Providing for Various Improvements to the Water-Sewer Utility in and by the Borough of Hightstown, in the County of Mercer, New Jersey, Appropriating \$1,270,000 Therefor and Authorizing the Issuance of \$1,270,000 Bonds or Notes of the Borough to Finance the Cost Thereof", as supplemented

by bond ordinance #2019-09 of the Local Unit, finally adopted June 17, 2019, entitled “Bond Ordinance Providing a Supplemental Appropriation of \$165,000 for Various Improvements to the Water-Sewer Utility in and by the Borough of Hightstown, in the County of Mercer, New Jersey, and Authorizing the Issuance of \$165,000 Bonds or Notes of the Borough to Finance Part of the Cost Thereof. The aforementioned bond ordinances were finally adopted by the Local Unit at meetings duly called as set forth above, at which time a quorum was present and acted throughout, all pursuant to the terms of the Local Bond Law and other applicable law.

Section 4. The Chief Financial Officer of the Local Unit is hereby authorized to determine, in accordance with the Local Bond Law and pursuant to the terms and conditions established by the I-Bank and the State under the Loan Agreements and the terms and conditions hereof, the following items with respect to the I-Bank Loan Bond and the Fund Loan Bond:

- (a) The aggregate principal amounts of the I-Bank Loan Bond and the Fund Loan Bond to be issued;
- (b) The maturity and annual principal installments of the Local Unit Bonds, which maturity shall not exceed 40 years;
- (c) The date of the Local Unit Bonds;
- (d) The interest rates of the Local Unit Bonds;
- (e) The purchase price for the Local Unit Bonds; and
- (f) The terms and conditions under which the Local Unit Bonds shall be subject to redemption prior to their stated maturities.

Section 5. Any determination made by the Chief Financial Officer pursuant to the terms hereof shall be conclusively evidenced by the execution and attestation of the Local Unit Bonds by the parties authorized under Section 4 hereof.

Section 6. The Local Unit hereby determines that certain terms of the Local Unit Bonds shall be as follows:

- (a) The I-Bank Loan Bond shall be issued in a single denomination and shall be numbered R-1. The Fund Loan Bond shall be issued in a single denomination and shall be numbered R-2;
- (b) The Local Unit Bonds shall be issued in fully registered form and shall be payable to the registered owners thereof as to both principal and interest in lawful money of the United States of America; and
- (c) The Local Unit Bonds shall be executed by the manual or facsimile signatures of the Borough President 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 7. The I-Bank Loan Bond and the Fund Loan Bond shall be substantially in the form set forth in the I-Bank Loan Agreement and the Fund Loan Agreement, respectively.

Section 8. The law firm of McManimon, Scotland & Baumann, LLC is hereby authorized to arrange for the printing of the Local Unit Bonds, which law firm may authorize McCarter & English, LLP, bond counsel to the I-Bank and the State for the Program, to arrange for same. The Local Unit auditor is hereby authorized to prepare the financial information necessary in connection with the issuance of the Local Unit Bonds. The Borough President, the Chief Financial Officer and the Local Unit Clerk are hereby authorized to execute any certificates necessary or desirable in connection with the financial and other information.

Section 9. The terms of the Local Unit Bonds authorized to be set forth by the Chief Financial Officer in accordance with Section 2 hereof shall be ratified by the affirmative vote of 2/3 of the full membership of the governing body of the Local Unit.

Section 10. The Borough President and the Chief Financial Officer are hereby severally authorized to execute any certificates or documents necessary or desirable in connection with the sale of the Local Unit Bonds, and are further authorized to deliver same to the I-Bank and the State upon delivery of the Local Unit Bonds and the receipt of payment therefor in accordance with the Loan Agreements.

Section 11. This resolution shall take effect immediately.

Section 12. 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, and Richard T. Nolan, Esq., McCarter & English, LLP, bond counsel to the I-Bank.

CONSENT AGENDA

Councilmember Jackson moved Resolutions 2022-57; 2022-58; 2022-59; 2022-60; 2022-61 as a Consent Agenda; Councilmember Misiura seconded.

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

Resolutions adopted 6-0.

Resolution 2022-057

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

RESOLUTION REQUESTING THE STATE OF NEW JERSEY TO PURSUE REGIONAL SOLUTIONS TO FLOODING WITHIN THE MILLSTONE RIVER BASIN

WHEREAS, there has been an increase in storm severity in the region, beginning with Tropical Storm Irene in 2011 followed by Hurricane Sandy in 2012, and more recently with Tropical Storm Isaias in 2020 and Tropical Storm Ida in 2021, with additional increases expected due to climate change factors for the foreseeable future; and

WHEREAS, storms such as these and the resulting flooding have produced not only economic damage and devastating hardship for those directly impacted but have also caused shutdowns of transportation, schools and businesses throughout the region; and

WHEREAS, the resulting flooding also creates public health and safety issues that severely stretch our First Responders and have resulted in injury and death in the region, far outweighing the direct economic impacts; and

WHEREAS, the negative impacts of flooding in Hightstown Borough are greatly and directly experienced with flooding in the Millstone River Basin; and

WHEREAS, the Millstone River Basin comprises 238 square miles within the counties of Mercer, Middlesex, Monmouth, Hunterdon, and Somerset, making this flooding a multi-county regional problem that cannot be alleviated by independent action of any one municipality; and

WHEREAS, the USDA Natural Resources Conservation Service (NRCS) in 2004 and the Army Corps of Engineers in 2016 each studied limited areas within the Millstone River Basin and identified major infrastructure projects that could reduce flood damage and loss to the populations of the studied areas, including floodwalls, channel modifications, raising of roads and bridge decks, and other methods requiring significant capital outlay, environmental permitting and a coordinated regional effort; and

WHEREAS, the Federal government has current and potential programs to provide grant funding for infrastructure projects that could help undertake one or more regional solutions to this flooding problem; and

WHEREAS, the Governor, per Executive Order No. 89, acknowledges:

-the importance of communities and government entities integrating climate change considerations into planning and decision making, and becoming more resilient to the effects of climate change; and

-that each dollar spent on mitigation of hazards results in a six-fold decrease in spending on post-disaster recovery; and

-that it is the policy of the State that Executive Branch departments and agencies to take proactive and coordinated efforts, where appropriate, to protect public health and safety and to promote and protect the physical, economic, and social vitality and resilience of New Jersey's communities from the current and anticipated impacts of climate change.

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Hightstown do hereby request the State of New Jersey to undertake one or more regional projects to address and mitigate the current negative effects of flooding in the Millstone River Basin within Hightstown Borough and the other affected municipalities.

BE IT FURTHER RESOLVED, that the Borough Clerk is directed that copies of this Resolution be sent to: The Governor of New Jersey, Assembly Speaker, Senate President, State legislators in the affected districts, and the County Executive and County Commissioners in the affected counties.

BE IT FURTHER RESOLVED, that the Township Clerk is directed that copies of this Resolution be sent to the Governing bodies of the following municipalities within the Millstone River Basin with an accompanying letter asking them to take similar actions encouraging involvement and funding at the State and Federal level: Cranbury Township, East Windsor Township, Franklin Township, Hightstown Borough, Manville Boro, Millstone Boro, Montgomery Township, Plainsboro Township, Princeton, Rocky Hill Borough, and South Brunswick Township.

Resolution 2022-058

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

**RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT
RELATING TO THE MAINTENANCE OF AN EXISTING FENCE ACROSS A BOROUGH-HELD
SANITARY SEWER EASEMENT LOCATED ON AND ACROSS THE PROPERTY LOCATED AT 554
NORTH MAIN STREET (BLOCK 3.01, LOT 53.01)**

WHEREAS, the owner (Nana Akyere) of the property located at 554 North Main Street in the Borough of Hightstown (the "property"), more commonly known and designated as Block 3.01, Lot 53.01 on the official Borough Tax Map, has requested the Borough's permission to maintain an existing six foot (6') high vinyl privacy fence along part of the side yard of the property, per the plans submitted to the Borough's Zoning Officer, which fence encroaches, in part, upon an existing ten foot (10') wide sanitary sewer easement (the "easement") that is held by the Borough; and

WHEREAS, the property owner has agreed to assume all liability associated with the fence, and shall be responsible for all costs and expenses if the fence is ever required to be removed or dismantled (in whole or in part) by the Borough for any purpose, including the responsibility for all costs and expenses related to repair of any damages incurred to the fence or related to its reconstruction; and

WHEREAS, the property owner has agreed to execute an Agreement with the Borough in order to memorialize her assumption of all liability relating to the fence, along with all other terms and conditions related to the within undertaking; and

WHEREAS, a copy of the proposed Agreement is attached hereto and made a part hereof.

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

1. That the Borough hereby provides its consent to the property owner to maintain an existing six foot (6') high vinyl privacy fence along part of the side yard of the property, per the plans submitted to the Borough's Zoning Officer, which fence encroaches, in part, upon an existing ten foot (10') wide sanitary sewer easement that is held by the Borough, subject to the terms and conditions set forth in the attached Agreement.
2. That the Mayor or Borough Administrator is hereby authorized to execute, and the Municipal Clerk to attest, the attached Agreement on behalf of the Borough, or one which is substantially similar thereto and is in a form that is satisfactory to the Borough Attorney, relating to the above issues.
3. That a certified copy of this Resolution shall be provided to each of the following:
 - a. Dimitri Musing, Borough Administrator;
 - b. George Chin, Zoning Official & Construction Official; and
 - c. Frederick C. Raffetto, Esq., Borough Attorney.

**AGREEMENT RELATING TO THE MAINTENANCE OF A FENCE ACROSS A BOROUGH-HELD
SANITARY SEWER EASEMENT LOCATED ON AND ACROSS THE PROPERTY LOCATED AT 554
NORTH MAIN STREET
(BLOCK 3.01, LOT 53.01)**

THIS AGREEMENT made this _____ day of _____, 2022, by and between:

THE BOROUGH OF HIGHTSTOWN, a municipal corporation of the State of New Jersey (hereinafter the "Borough"), with its temporary principal offices located at 156 Bank Street, Hightstown, New Jersey 08520; and

NANA ABA AKYERE (hereinafter the "Owner"), whose address is 554 North Main Street, Hightstown, New Jersey 08520.

(The Borough and the Owner will be collectively referred to herein as the "Parties".)

WITNESSETH:

WHEREAS, the Owner is the record owner of the property located at 554 North Main Street in the Borough of Hightstown (the "property"), more commonly known and designated as Block 3.01, Lot 53.01 on the official Borough Tax Map; and

WHEREAS, the Owner has requested the Borough's permission to maintain an existing six foot (6') high privacy fence (the "fence") along part of the side yard of the property, per the plans submitted to the Borough's Zoning Officer, which fence encroaches, in part, upon an existing ten foot (10') wide sanitary sewer easement (the

“easement”) that is held by the Borough; and

WHEREAS, the Borough and the Owner wish to set forth the terms and conditions associated with the maintenance of the fence, given its interference with the easement, in the within Agreement.

NOW, THEREFORE, in consideration of the mutual promises and covenants herein contained, the Parties hereto agree as follows:

1. The Borough hereby agrees to allow the Owner to maintain the above-referenced existing fence along part of the side yard of the property, per the plans submitted to the Borough’s Zoning Officer, which fence was erected in part within, and encroaches upon, the easement that is held by the Borough, subject to the terms and conditions set forth herein.
2. The fence shall be maintained in all respects in compliance with all applicable fence and/or other requirements of the Borough.
3. The Owner agrees to be solely responsible for all costs and expenses associated with the fence, including but not limited to all costs and expenses incurred for the removal, dismantling, repair, reconstruction, re-installation, etc. of the fence, should the fence ever need to be removed or dismantled (in whole or in part) by the Borough or the Borough’s employees, agents or other representatives for any purpose whatsoever related to the existing Borough-held easement. The Owner hereby waives any claim(s) for damages against the Borough, its officers, directors, employees, appointed or elected officials, departments, volunteers, agents and other representatives, associated with any damages or repair costs associated with the fence or related to its removal or reconstruction should the fence be removed or dismantled by the Borough or the Borough’s employees, agents or other representatives for any purpose whatsoever. The Borough shall endeavor to provide reasonable advance notice to the Owner should it be necessary for the Borough, its employees, agents or other representatives to enter onto the property for any reason associated with the fence, unless there is an emergency. In cases of emergency, the Borough, its employees, agents or other representatives shall be permitted to enter onto the property immediately and to take such actions as are necessary in order to protect the health, safety and welfare of the public. In all such cases, the Borough shall endeavor to minimize any disruption to the Owner and/or damage to the property.
4. The Owner agrees to ensure that her homeowner’s liability insurance coverage shall include the fence and the encroachment area, and shall provide proof of continued liability insurance coverage to the Borough’s Zoning Officer on an annual basis after the execution of this Agreement. The limits and the extent of liability insurance coverage pertaining to the encroachment area shall be subject to the review and approval of the Borough annually, and the Owner shall abide by all updated requirements of the Borough relating to insurance and risk management issues on an annual basis. The Owner shall name the Borough as an additional insured on such policy. The liability insurance coverage shall not be cancelled unless written approval from the Borough is obtained.
5. As partial consideration for the Borough’s grant of permission in the within Agreement for the Owner to maintain the fence across the Borough-held easement, the Owner, on behalf of herself, and on behalf of her estate, successors and/or assigns (individually and collectively known herein as the “Releasors”) hereby agrees to release, indemnify and hold the Borough, and its officers, directors, employees, appointed and elected officials, departments, volunteers, agents and insurers (collectively referred to herein as the “Releasees”) harmless from and against any and all liability, claims, costs and attorney’s fees arising out of the maintenance, repair, dismantling, use, and/or existence of the fence, including but not limited to any and all liability for injury or damages sustained to any person or property, regardless of any fault or negligence of the Borough. It is

expressly known and understood that the Releasers hereby agree to indemnify, defend and hold harmless the Releasees from any and all losses or damages sustained to persons or property that are in any way related to the fence constructed in the easement at the property.

- 6. At the direction of the Borough, the Owner shall remove the fence at any time during the course of this Agreement should the Borough determine, in its sole discretion, that removal of the fence is required in furtherance of the health, safety and/or welfare of the public. If the Owner fails to remove the fence in a timely fashion, then the Borough shall be permitted to remove the fence in the Borough's sole discretion.
- 7. The Owner shall remove the fence prior to any sale or other transfer of title relating to the property, unless the new purchaser(s) or owner(s) thereof agree to execute a similar Agreement with the Borough at that time.
- 8. Should the Borough be required to remove the fence, then all costs and expenses associated with same shall form and become a lien against the property and be collectible in the same manner as real property taxes.
- 9. This Agreement shall be binding upon and inure to the benefit of the Parties, their heirs, executors, administrators, successors and/or assigns.
- 10. This Agreement constitutes the entire Agreement between the Parties relative to the matters set forth herein. Any changes, modifications or alterations thereto must be in writing and approved by the duly authorized representatives of each party in order to be effective.
- 11. This Agreement shall be interpreted under the laws of the State of New Jersey.

IN WITNESS WHEREOF, the Parties have executed this Agreement this ____ day of _____, 2022.

ATTEST:

BOROUGH OF HIGHTSTOWN

DIMITRI MUSING
Borough Administrator

WITNESS:

_____(Print Name)

NANA ABA AKYERE

Resolution 2022-059

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

AUTHORIZING A TRANSFER OF FUNDS IN THE 2021 BUDGET

Whereas, N.J.S.A. 40A:4-59 provides that the governing body may authorize a transfer of funds in the budget during the first three months of the following year.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the following transfers in the 2021 budget are hereby authorized:

<u>Current:</u>	<u>From</u>	<u>To</u>
Uniform Fire Safety Act		
Other Expenses	\$ 200.00	\$ -
Fire Department		
Other Expenses		200.00
Planning & Zoning		
Other Expenses		
TOTALS	\$ 200.00	\$ 200.00

Resolution 2022-060

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

**AUTHORIZING EMERGENCY TEMPORARY APPROPRIATIONS
PRIOR TO ADOPTION OF THE 2022 BUDGET**

WHEREAS, an emergent condition has arisen with respect to inadequate appropriation balances remaining in some line items of the 2022 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 2022 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	2,500.00	0.00	2,500.00
Capital Outlay – Current	0.00	0.00	0.00
Debt Service - Current	0.00	0.00	0.00
Water/Sewer	0.00	0.00	0.00
Capital Outlay – W/S	0.00	0.00	0.00
Debt Service - W/S	0.00	0.00	0.00
TOTAL	0.00	0.00	2,500.00

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 2022 budget under the same title as written herein;
3. One certified copy of this resolution will be filed with the Director of Local Government Services, and a copy provided to the Chief Finance Officer.

SCHEDULE "A"

Borough of Hightstown
Emergency Temporary No. 1
2/22/2022

Current Fund

First Aid Organization	Other Expenses	2,500.00
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Resolution 2022-61

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

**AMENING RESOLUTION 2022-06 - RESOLUTION MAKING AND CONFIRMING
BOROUGH OFFICIALS APPOINTMENTS FOR 2022**

WHEREAS, on January 3, 2022, Borough Council adopted Resolution 2022-06 making and confirming Borough official appointments for the year 2022; and

WHEREAS, the position of Tax Collector was inadvertently left off the list of officials appointed; and

WHEREAS, Resolution 2022-06 is amended to include the following:

	<u>Tax Collector</u>	
Pamela Lewis	4 yrs.	December 31, 2025

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of Hightstown Borough that Resolution 2022-06 Making and Confirming Borough Officials Appointments is hereby amended to read as noted herein.

DISCUSSION

Expansion of the Downtown Redevelopment Area Phase 3

This came from Planning Board. Councilmember Misiura stated that a developer purchased the Well Fargo Bank property. This sits in the Downtown Vision Study area. That property was never made part of the redevelopment area. Planning Board would like to make this an area in need of redevelopment. This would give us more control over what is to be built there. Borough Council would need to task Planning Board with investigating if this area is in need of redevelopment. Borough Attorney, Fred Raffetto advised that under Local Redevelopment and Housing Law, the process would be the Governing Body has to adopt a resolution to authorize the Planning Board to undertake a preliminary investigation to determine whether the proposed areas should be considered to be an area in need of redevelopment. There will be a public hearing at the Planning Board level and notice provided to the affected property owners. He suggested that if Council is amenable to this a resolution be put on the agenda for the next Council meeting to give the Planning Board direction. Council President Bluth called for a straw vote to determine if Council would like to move forward with a resolution directing the Planning Board to determine if this is an area in need of redevelopment. Councilmembers Bluth, Cicalese, Fowler, Jackson, Misiura and Montferrat voted yes. The Borough Clerk was instructed to have a resolution on the agenda for the next meeting.

Cannabis Planning Board Review

Councilmember Misiura stated that the Planning Board had their own subcommittee which included the attorney. They are looking at an overlay zone. They need Council's input to determine what locations we would like to use. Discussion with the Planner will be needed. Council needs to discuss hours of operation, parking, security, if consumption will be allowed etc. This can be done concurrently while Planning Board is working on an overlay zone. Further discussion is needed.

Revaluation of Borough Owned Property for Insurance

Borough Administrator, Dimitri Musing stated that the Borough needs to complete a revaluation of 26 Borough owned properties that are insured for over \$100,000. This will ensure that all Borough properties are insured correctly. The cost to complete this is \$5,000. After a unanimous straw vote, Mr. Musing was directed to move forward with the revaluation

Musial Group

Mr. Musing has spoken with the Musial Group regarding the Municipal Building. Because of Covid pricing and rising costs, the Musial Group is asking for an additional \$20,000.00. If Council is agreeable to amending the contract, we would first need to have the bond ordinance amended. Councilmember Misiura stated that this was a reasonable increase being that we had the project on hold for so long while we were negotiating with Robbinsville. Council was agreeable to the increase. There will be a resolution amending the contract once Mr. Lang amends the bond ordinance.

SUBCOMMITTEE REPORTS

East Ward Street Bridge Committee

Councilmember Montferrat stated that the subcommittee will consist of himself, Councilmember Jackson, Nancy Laudenberg and Wendy McDade.

MAYOR/COUNCIL/ADMINISTRATIVE REPORTS

Councilmember Cicalese

Complete Streets Committee - Will meet tomorrow night.

Councilmember Montferrat

He is working with Dimitri and Peggy on the Special Event Ordinance.

Councilmember Misiura

First Aid - Their ambulance is up and running now. They had a meeting with the Peddie School to be placed on call for special events. They also inquired about their budget.

Councilmember Fowler

Environmental Commission - Had their meeting tonight. Aril 23rd is the stream clean up and tree planting. Applications for the internship are being received.

Memorial Day Parade - Working the Borough Clerk on this year's parade.

Council President Bluth

Cultural Arts Commission - They are planning several events for the spring.

Harvest Fair and 300th Anniversary Celebration - This year's Harvest Fair & 300th Anniversary Celebration will be held on Saturday, October 1st. Planning is underway.

Borough Clerk, Peggy Riggio

The Clerk's office is processing food licenses and pet licenses.

Borough Administrator, Dimitri Musing

Complete Streets is working with Greater Mercer TMA and is looking for a resolution of support.

EXECUTIVE SESSION

Resolution 2022-62 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 2022-62

*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 February 22, 2022, 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

Personnel – AWWTP Investigation

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 May 22, 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.

Councilmember Jackson moved to adjourn to executive session at 7:34 p.m.; Councilmember Fowler seconded. All ayes.

Council returned to public session at 8:58 p.m.

ADJOURNMENT

Councilmember Jackson moved to adjourn at 8:59 p.m.; Councilmember Cicalese seconded. All ayes.

Respectfully Submitted,



Margaret M. Riggio
Borough Clerk

Approved by Hightstown Borough Council: **July 7, 2022**