

Meeting Minutes
Hightstown Borough Council
April 4, 2022
6:30 p.m.

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

The flag salute followed Roll Call.

	PRESENT	ABSENT
<i>Councilmember Susan Bluth</i>	✓	
<i>Councilmember Joseph Cicalese</i>	✓	
<i>Councilmember Cristina Fowler</i>	✓	
<i>Councilmember Joshua Jackson</i>	✓	
<i>Councilmember Steven Misiura</i>	✓	
<i>Councilmember Frederick Montferrat</i>	✓	
<i>Mayor Quattrone</i>	✓	

Also in attendance: Margaret (Peggy) Riggio, Borough Clerk; Dimitri Musing, Borough Administrator; Fred Raffetto, Borough Attorney and George Lang, CFO.

The Flag Salute followed roll call.

APPROVAL OF AGENDA

Mayor Quattrone stated that Resolution 2022-79 would be removed from the agenda. Councilmember Misiura requested that Contract Negotiations, PRC Group be added to Executive Session. Councilmember Cicalese moved the agenda as amended; Councilmember Fowler seconded.

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

Agenda approved 6-0.

PUBLIC COMMENT

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

Gene Sarafin, 628 South Main Street – Expressed his distaste with the Republican Party and complimented Council on coming to an agreement related to shared services on Stockton Street. Mr. Sarafin also said he believes the Wells Fargo building should not be torn down.

Jeff Epstein, 21 North Main Street – Inquired about an update on the rug mill project

Kathy Aveni, 108 Wyckoffs Mill Road – Expressed concern about how the One Way on Wyckoffs Mill Road is going to be implemented safely. Ms. Aveni also wanted to hear about what the guidelines are for considering the measure to be successful.

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

ORDINANCES

Ordinance 2022-05 First Reading and Introduction An Ordinance Amending Chapter 25, “Stormwater Control” of the Revised General Ordinances of the Borough of Hightstown

Councilmember Montferrat moved for Introduction; Councilmember Cicalese seconded.

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

Ordinance Introduced 6-0. Public Hearing scheduled for April 18, 2022

ORDINANCE 2022-05

BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY

AN ORDINANCE AMENDING CHAPTER 25, “STORMWATER CONTROL” OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN

WHEREAS, the Borough of Hightstown maintains a Tier A MS4 New Jersey Pollutant Discharge Elimination System (NJPDES) Stormwater Permit; and

WHEREAS, the Borough is required to develop, update, implement, and enforce a program to ensure adequate long-term cleaning, operation, and maintenance of stormwater facilities not owned or operated by the Borough; and

WHEREAS, at the recommendation of the Borough Engineer, and in order to remain in compliance with the Stormwater Permit, the Hightstown Borough Council has agreed to modify the existing language of certain provisions currently contained within the Borough Code.

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

Section 1. Chapter 25 “Stormwater Control,” of the “Revised General Ordinances of the Borough of Hightstown,” is hereby amended and supplemented in the following respects (additions are shown with underline, deletions are shown with ~~strikeout~~):

25-1-11 Requirements Regarding Dumpsters and Other Refuse Containers

A. Purpose

This Section requires dumpsters and other refuse containers that are outdoors or exposed to stormwater to be covered at all times and prohibits the spilling, dumping, leaking, or otherwise discharge of liquids, semi-liquids or solids from

the containers to the municipal separate storm sewer system(s) operated by the Borough of Hightstown and/or the waters of the State so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

B. Definitions

For the purpose of this Section, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

1. Municipal separate storm sewer system (MS4) – a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by Hightstown Borough or other public body, and is designed and used for collecting and conveying stormwater.
2. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
3. Refuse container – any waste container that a person controls whether owned, leased, or operated, including dumpsters, trash cans, garbage pails, and plastic trash bags.
4. Stormwater – means water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.
5. Waters of the State – means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

C. Applicability

1. Any person who controls, whether owned, leased, or operated, a refuse container or dumpster must ensure that such container or dumpster is covered at all times and shall prevent refuse from spilling out or overflowing.
2. Any person who owns, leases or otherwise uses a refuse container or dumpster must ensure that such container or dumpster does not leak or otherwise discharge liquids, semi-liquids or solids to the municipal separate storm sewer system(s) operated by the Borough of Hightstown.

D. Exceptions

1. Permitted temporary demolition containers
2. Litter receptacles (other than dumpsters or other bulk containers)
3. Individual homeowner trash and recycling containers
4. Refuse containers at facilities authorized to discharge stormwater under a valid NJPDES permit
5. Large bulky items (e.g., furniture, bound carpet and padding, white goods placed curbside for pickup)

E. Enforcement and Penalties

1. This Section shall be enforced by the Stormwater Management Coordinator and/or Superintendent of the Department of Public Works and/or their designee of the Borough of Hightstown.
2. Any person who is found to be in violation of this Section shall be subject to penalties as stated in Chapter 1, Article 1-5 of the Revised General Ordinances of the Borough of Hightstown.

25—1-~~11~~2. Penalties

Any person(s) who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this ordinance shall be subject to the following penalties: Chapter 1, Article 1-5 of the Revised General Ordinances of the Borough of Hightstown.

25-1-~~12~~13. Severability

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

Section 2. In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to that portion of the Ordinance actually adjudged to be invalid, and the remaining portions of this Ordinance shall be deemed severable therefrom and shall not be affected.

Section 3. All other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 4. This Ordinance shall become effective upon final passage and publication in accordance with the law.

Ordinance 2022-06 First Reading and Introduction An Ordinance Establishing Certain New Regulations Concerning Vehicles and Traffic, and Amending and Supplements Chapter 7, Entitled “Traffic” of the Revised General Ordinances of the Borough of Hightstown, New Jersey

Councilmember Bluth moved for Introduction; Councilmember Jackson seconded.

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

Ordinance Introduced 6-0. Public Hearing scheduled for April 18, 2022

Ordinance 2022-06

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

AN ORDINANCE ESTABLISHING CERTAIN NEW REGULATIONS CONCERNING VEHICLES AND TRAFFIC, AND AMENDING AND SUPPLEMENTING CHAPTER 7, ENTITLED “TRAFFIC,” OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN, NEW JERSEY

WHEREAS, the Mayor and Council of the Borough of Hightstown (the “Borough”) wish to establish certain

new regulations concerning vehicles and traffic within the Borough; and

WHEREAS, the new regulations will prohibit vehicles which have a gross vehicle registered weight in excess of four (4) tons from operating on all municipal owned streets, except for those streets specifically identified by the Borough or as otherwise provided by the Borough; and

WHEREAS, the new regulations will also prohibit vehicles from turning at the intersection of North Main Street and Wyckoff Mills Road, when traveling in a northbound or southbound direction on North Main Street; and

WHEREAS, the Mayor and Council believe that these new regulations will improve traffic flow in the Borough, and that the regulations are in furtherance of the health, safety and welfare of the public; and

WHEREAS, in order to codify these new regulations, the Mayor and Council wish to make certain changes to Chapter 7, entitled “Traffic,” of the Revised General Ordinances of the Borough of Hightstown, New Jersey, as set forth below.

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

Section 1. That vehicles which have a gross vehicle registered weight in excess of four (4) tons are hereby prohibited from operating on all municipal owned streets, except for those streets specifically identified by Ordinance by the Borough or as otherwise provided by the Borough.

Section 2. That all vehicles are hereby prohibited from turning at the intersection of North Main Street and Wyckoff Mills Road, when traveling in a northbound or southbound direction on North Main Street

Section 3. That all relevant Borough officials and/or employees are hereby authorized and directed to undertake all actions that are necessary to implement the aforesaid new traffic regulations, including but not limited to the posting of appropriate signage and/or other markings to alert the public, as well as to seek any approvals which may be necessary from any other governmental agencies or authorities which may have jurisdiction over the matters set forth in the within Ordinance.

Section 4. That Chapter 7, entitled “Traffic”, of the Revised General Ordinances of the Borough of Hightstown, New Jersey, is hereby amended and supplemented to read as follows (underline for additions, strikethroughs for deletions):

§ 7-1-18 Truck Route System.

[Ord. No. 1-16-92]

A truck route system upon which trucks in excess of four tons gross weight may travel is hereby established on the following streets or parts of streets:

Name of Street	Location
Etra Road (C.R. 571)	From South Main Street to the East Windsor Township corporate line
North Main Street (C.R. 539)	Within the Borough corporate line
Rogers Avenue	Entire length
South Main Street (C.R. 539)	Within the Borough corporate line
Stockton Street (C.R. 571)	From the Township of East Windsor corporate line to Rogers Avenue
West Ward Street	From South Main Street (CR 539 — 571 to Mercer Street (Route 33)

All vehicles having a gross vehicle registered weight in excess of four (4) tons shall be excluded from all municipal owned streets, except for the specific municipal streets identified above. Such vehicles shall, however, be permitted on all streets for the purpose of the local pickup and delivery of materials only. Exempt vehicles include all Borough-owned vehicles, school buses, and recycling trucks.

§ 7-1-23 Turn Prohibitions.

No person shall make a turn at any location listed and only in the manner described.

<u>Intersection</u>	<u>Turn Prohibited</u>	<u>Movement Prohibited</u>
<u>North Main Street and Wyckoff Mills Road</u>	<u>No turns for vehicles traveling northbound or southbound on North Main Street</u>	<u>No east bound traffic entering from North Main Street</u>

Section-5. That all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 6. That this Ordinance shall become effective upon final passage and publication in accordance with the law, following the receipt of any approvals deemed necessary by any other governmental agencies or authorities which may have jurisdiction over the matters set forth in the within Ordinance and the installation of proper signage by the Borough of Hightstown and/or the County of Mercer.

Ordinance 2022-07 First Reading and Introduction Bond Ordinance Providing for Improvements to the Water-Sewer Utility in and by the Borough of Hightstown, In the County of Mercer, New Jersey, Appropriating \$1,100,000 Therefor and Authorizing the Issuance of \$1,100,000 Bonds or Notes of the Borough to Finance the Cost Thereof

Councilmember Misiura moved for Introduction; Councilmember Cicalese seconded.

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

Ordinance Introduced 6-0. Public Hearing scheduled for April 18, 2022

Ordinance 2022-07

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

BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO THE WATER-SEWER UTILITY IN AND BY THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$1,100,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,100,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE THE COST THEREOF.

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring)

AS FOLLOWS:

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Borough of Hightstown, in the County of Mercer, New Jersey (the "Borough"). For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$1,100,000. Pursuant to N.J.S.A. 40A:2-11(c), no down payment is provided for the costs of the improvement since the project described in Section 3(a) hereof is expected to be funded through the New Jersey Infrastructure Bank.

Section 2. In order to finance the cost of the improvement or purpose, negotiable bonds are hereby authorized to be issued in the principal amount of \$1,100,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is water tank painting and repairs for the water-sewer utility, including all work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or bond anticipation notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law or applicable law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this

bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Borough may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 15 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$1,100,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$65,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 7. The Borough hereby declares the intent of the Borough to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

Section 8. Any grant moneys received for the purpose described in Section 3(a) hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to

this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

RESOLUTIONS

Resolution 2022-77 Authorizing Payment of Bills

Moved by Councilmember Montferrat; Seconded by Councilmember Misiura.

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

Resolution adopted 6-0.

Resolution 2022-77
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 \$234,806.74 from the following accounts:

Current		\$62,122.49	
W/S Operating		162,404.22	
General Capital		3,924.95	
Water/Sewer Capital		2,366.25	
Grant		3,788.83	
Trust		200.00	
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>0.00</u>	
Total		<u>\$234,806.74</u>	

Resolution 2022-78 Authorizing a Shared Services Agreement Between East Windsor Township and Hightstown Borough for Installation of Stockton Street Curbs and Sidewalks

Moved by Councilmember Montferrat; Seconded by Councilmember Bluth.

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

Resolution adopted 6-0.

Resolution 2022-78

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

AUTHORIZING A SHARED SERVICES AGREEMENT BETWEEN EAST WINDSOR TOWNSHIP AND HIGHTSTOWN BOROUGH FOR INSTALLATION OF STOCKTON STREET CURBS AND SIDEWALKS

WHEREAS, the “Uniform Shared Services and Consolidation Act,” N.J.S.A. 40A:65-1, *et seq.* (the “Act”), authorizes local units of this State to enter into an agreement with any other local unit or units to provide or receive

any service that each local unit participating in the agreement is empowered to provide or receive in its own jurisdiction; and

WHEREAS, the Township of East Windsor (hereinafter the “Township” or “East Windsor”) and the Borough of Hightstown (hereinafter the “Borough” or “Hightstown”) (collectively hereinafter also referenced as the “Parties”) have determined that it would be in their mutual best interests to collaborate with respect to the installation of curbs and sidewalks along a portion of Stockton Street, between the limit of the State right-of-way of U.S. Route 130 in East Windsor and the intersection of Dutch Neck Road and Oak Lane in Hightstown (the “services”); and

WHEREAS, the services will contribute to the health, safety and welfare of the residents of the Borough; and

WHEREAS, in the spirit of inter-municipal cooperation, and in furtherance of the principles underlying the Act, the Parties have negotiated a Shared Service Agreement (the “Agreement”), which sets forth the terms and conditions associated with this undertaking, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the Borough Council wishes to authorize the Borough to enter into the Agreement, and to authorize the Mayor and Borough Clerk to execute same on behalf of the Borough.

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

1. That the Borough Council hereby authorizes the Mayor to execute, and the Clerk to attest, the attached Shared Services Agreement with the Township of East Windsor relating to the above services.
2. That all relevant Borough officials are hereby authorized to perform all actions which are necessary to effectuate the intentions of the within Resolution.
3. That a certified copy of this Resolution and the attached Agreement shall be provided to each of the following:
 - a. Township of East Windsor;
 - b. Dimitri Musing, Borough Administrator; and
 - c. Frederick C. Raffetto, Esq., Borough Attorney.

SHARED SERVICES AGREEMENT

BETWEEN

EAST WINDSOR TOWNSHIP

AND HIGHTSTOWN BOROUGH

FOR

INSTALLATION OF STOCKTON STREET CURBS AND SIDEWALKS

THIS AGREEMENT made this _____ of _____, 2022, by and between the **BOROUGH OF HIGHTSTOWN**, a municipal corporation of the State of New Jersey, located at 156 Bank Street, Hightstown, NJ 08520, hereinafter referred to as “Hightstown” and the **TOWNSHIP OF EAST WINDSOR**, a municipal corporation of the State of New Jersey located at 16 Lanning Boulevard, East Windsor, New Jersey 08520-1999, hereinafter referred to as “East Windsor.” Hightstown and East Windsor shall collectively be referred to as the “parties” herein.

WITNESSETH:

WHEREAS, a portion of Stockton Street (County Route 571) between the limit of the State right-of-way of U.S. Route 130 in East Windsor and the intersection of Dutch Neck Road and Oak Lane in Hightstown is in need of curbs and sidewalks; and

WHEREAS, Hightstown and East Windsor desire to install curbs and sidewalks on both sides of Stockton Street from the limit of the State right-of-way of U.S. Route 130 in East Windsor to the intersection of Dutch Neck Road and Oak Lane in Hightstown (the "Project"), and agree to share in the cost in accordance with the terms of this Agreement; and

WHEREAS, Hightstown has agreed to serve as the lead agency for the design, bidding and construction administration relating to the Project; and

WHEREAS, the "Uniform Shared Services and Consolidation Act" N.J.S.A. 40A:65-1, et seq. (the "Act"), permits local units of this State to enter into a contract with any other local unit for the joint provision within their combined jurisdictions of any service which any party to the agreement is empowered to render within its own jurisdiction; and

WHEREAS, East Windsor and Hightstown have authorized and approved this Agreement by Resolution duly adopted pursuant to N.J.S.A. 40A:65-5 of the Act.

NOW, THEREFORE, in consideration of the mutual agreements and covenants herein contained, the parties agree as follows:

1. Hightstown shall serve as the lead agency regarding the Project. In that capacity, Hightstown shall perform all design, engineering, bidding and construction administration services for the Project, pursuant to the terms and conditions set forth in this Agreement.
2. The services referenced in Paragraph 1 above shall be performed in consultation with East Windsor.
3. Bidding for the Project shall be undertaken in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq. (the "LPCL"). Bid documents will be prepared in a manner that requires all submitted bids to separately detail all expenses concerning the limits of the Project that are located in Hightstown and all expenses concerning the limits of the Project that are located in East Windsor.
4. Hightstown will award the contract for the Project to the lowest responsible bidder after review and consultation with East Windsor of all submitted bids. Upon contract award, a preconstruction conference will be scheduled with East Windsor and Hightstown.
5. Hightstown and East Windsor will be independently responsible for providing general oversight and construction administration services for the Project, including processing of change orders and

payment requests for construction work performed in their respective jurisdictions. East Windsor will provide Hightstown with a Resolution from its governing body showing approval of each change order and payment request.

6. The parties agree that the costs and expenses associated with the Project shall be allocated and paid between the parties as follows:
 - A. East Windsor shall deposit with Hightstown the following sums: (1) \$11,275.00 for surveying services (which includes costs for police protection); (2) \$18,000.00 for engineering design and permit preparation services; (3) \$5,000.00 for construction administration services; (4) \$500.00 for East Windsor's one-half split of the estimated \$1,000.00 Soil Conservation District permit fees; and (5) \$300.00 for East Windsor's one-half split of the estimated NJDOT permit fees. It is understood by the parties that the permit amount fees referenced at (4) and (5) herein are estimated and that if the actual permit fees cost more or less than the amounts referenced, each party shall be responsible for one-half of the actual amount. These funds will be paid by East Windsor to Hightstown at the time of final execution of the within Agreement, and shall be deposited by Hightstown into a separate escrow account.
 - B. East Windsor agrees to pay Hightstown for all services related to construction activities undertaken concerning the East Windsor limits of the Project, along with the amounts referenced in Paragraph 6(A) above. Prior to award of a construction contract for the Project, East Windsor shall pay to Hightstown the estimated funds that relate to the East Windsor portion of the Project. The East Windsor funds will be held in escrow by Hightstown and paid out to the construction contractor following East Windsor's review and prior approval of the East Windsor quantities of the contractor's payment request as contained in each invoice.
 - C. Hightstown and East Windsor will each pay for police services for construction within their respective jurisdictions.
7. This Agreement shall terminate upon the expiration of the maintenance bond provided by the construction contractor for this Project.
8. In the event that any provision of this Agreement shall, for any reason, be determined to be invalid, illegal or unenforceable in any respect, the parties hereto shall negotiate in good faith and agree to such amendments, modifications or supplements of or to this Agreement, or such other appropriate actions as shall, to the maximum extent practicable in light of such determination, implement and give effect to the intentions of the parties as reflected herein. All other provisions of this Agreement shall remain in full force and effect, to the extent possible.
9. This Agreement may only be modified in writing signed by both parties.
10. This Agreement shall be governed by the laws of the State of New Jersey.

11. If any section, paragraph, subparagraph, clause or provision of this Agreement shall be adjudged invalid, such adjudication shall apply only to the specific section, paragraph, subparagraph, clause or provision so adjudged and the remainder of the agreement shall be deemed valid and effective.
12. Any notices given pursuant to this Agreement shall be sent to the parties at the following addresses:

EAST WINDSOR:	Mayor Janice S. Mironov Municipal Building 16 Lanning Boulevard East Windsor, New Jersey 08520
HIGHTSTOWN:	Mayor Lawrence D. Quattrone Municipal Building 156 Bank Street Hightstown, New Jersey 08520
13. This Agreement shall become effective upon the adoption of resolutions by both East Windsor and Hightstown approving this Agreement and authorizing its execution.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands

and seals on the respective dates indicated below.

ATTEST TOWNSHIP OF EAST WINDSOR

ALLISON QUIGLEY
Municipal Clerk

JANICE S. MIRONOV
Mayor

BOROUGH OF HIGHTSTOWN

PEGGY RIGGIO
Municipal Clerk

LAWRENCE D. QUATTRONE

CONSENT AGENDA

Councilmember Cicalese moved Resolutions 2022-80 and 2022-81 as a Consent Agenda; Councilmember Fowler seconded.

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

Resolutions adopted 6-0.

Resolution 2022-80
BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY

RESOLUTION URGING THE SWIFT PASSAGE OF S-330/A3804, WHICH SHALL RESTORE THE ENERGY TAX RECEIPTS TO MUNICIPALITIES

WHEREAS, taxes on gas and electric utilities were originally collected by the host municipalities to be used for local purposes and to compensate the public for the use of their rights of way; and

WHEREAS, when the State made itself the collection agent for these taxes, it promised to dedicate the proceeds to municipal property tax relief; since, just as municipalities collect property taxes for the benefit of school districts, counties, and other entities, the State is supposed to collect Energy Taxes for the benefit of municipal governments; and

WHEREAS, for years, though, State budget makers have diverted funding from Energy Taxes to fund State programs; and instead of being spent on local programs and services and used to offset property taxes, the money has been spent as successive Legislatures and Administrations have seen fit; and

WHEREAS, the diversion of dedicated energy tax receipts to the State's General Fund further jeopardizes this critical property tax relief funding in future years; and

WHEREAS, by reducing Consolidated Municipal Property Tax Relief Act (CMPTRA), which is also comprised of revenues that should be returned to municipalities, State Budget makers have been able to continue collecting Energy Taxes, while keeping additional revenue that should have been returned to provide property tax relief; and

WHEREAS, the cumulative impact of years of underfunding has left many municipalities with serious needs and burdensome property taxes; and

WHEREAS, local elected officials are in the best position to decide the best use of these resources, which were always intended to fund local programs and services; and

WHEREAS, Senator Singleton and Senate President Scutari have introduced legislation (S-330) that will restore, over a five-year period, Energy Tax Receipts to municipalities;

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Hightstown in the County of Mercer, urges the Legislature to swiftly pass this legislation and Governor Murphy sign the legislation prior to passage of the FY2023 State budget; and

BE IT FURTHER RESOLVED that a copy of this Resolution is forwarded to:

1. Senate President Scutari
2. Assembly Speaker Coughlin
3. Governor Murphy
4. League of Municipalities.

Resolution 2022-81

*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	10,000.00	299,220.00	309,220.00
Capital Outlay – Current	0.00	0.00	0.00
Debt Service - Current	0.00	0.00	0.00
Water/Sewer	0.00	100,000.00	100,000.00
Capital Outlay – W/S	0.00	0.00	0.00
Debt Service - W/S	0.00	0.00	0.00
TOTAL	10,000.00	399,220.00	409,220.00

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.

Resolution 2022-81

*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	10,000.00	299,220.00	309,220.00
Capital Outlay – Current	0.00	0.00	0.00

Debt Service - Current	0.00	0.00	0.00
Water/Sewer	0.00	100,000.00	100,000.00
Capital Outlay – W/S	0.00	0.00	0.00
Debt Service - W/S	0.00	0.00	0.00
TOTAL	10,000.00	399,220.00	409,220.00

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.

Borough of Hightstown
Emergency Temporary No. 3
4/4/2022

SCHEDULE "A"

Current Fund

Data Processing	Other Expenses	10,000.00
		<hr/>
Total Current Fund		<hr/> 10,000.00 <hr/>

Water-Sewer Operating Fund

Total Water Sewer Operating		<hr/> - <hr/>
Total		<hr/> <hr/> 10,000.00 <hr/> <hr/>

DISCUSSION

Lead Service Line Investigation

Borough Administrator, Dimitri Musing, explained that Borough Engineer, Carmela Roberts had explored whether hiring a private contractor to speed up the inventory process would be feasible. The cheapest of the contracts was over the bid threshold. Rich Lewis from the Water Sewer Department has been heading the inventory process; so far only a small percentage of lead or galvanized waterlines need to be replaced. Mr. Lewis said he thinks it is possible to complete the inventory process in one year. Mr. Musing and Ms. Roberts have concluded that the inventory process can be completed in house. Mayor Quattrone asked what would happen if a resident did not allow entry into their home, and Mr. Musing said there are ways of completing the inventory that do not require entry into the home.

MAYOR/COUNCIL/ADMINISTRATIVE REPORTS

Councilmember Fowler

The Arbor Day celebration is scheduled for April 23, with a stream cleanup beginning at 9 AM; registration for the cleanup can be found on the watershed website. There will also be a paper shredding truck in the Tavern on the Lake parking lot, a tree dedication (location TBD), and possibly a food truck.

The Memorial Day parade will follow the same route that it has followed in the past. Some participation forms have already been returned.

The Harvest Fair will be Oct. 1 rain or shine. Applications have been received for crafters, artisans and food trucks and the first round of jurying for all vendors will be next week.

Councilmember Misiura

The county has marked out a crosswalk on South Main Street at Etra Road.

Council President Bluth

Addressed Ms. Aveni's concerns and assured her that the council is doing everything possible to ensure a safe transition with not allowing turns down Wyckoffs Mill Road.

The Cultural Arts Commission is hosting an art exhibition from April 6 through June 26 at Old Heights Brewing Company. There will be an opening reception this Wednesday and some of the artists will be speaking at an event on May 25

Dimitri Musing, Borough Administrator

Guidelines from the CDC about second COVID booster shots have been posted on Facebook and the Borough website.

Peggy Riggio, Borough Clerk

Primary petitions were due at 4 PM today. Petitions were received for all for districts for county committee members, one Democratic petition for mayor, and two Democratic petitions for the two open council seats. No petitions were received for the Republicans.

The Borough Code has been migrated over to Ecode360.

The bid opening for the water tower refurbishment will be April 14 at 11 AM.

EXECUTIVE SESSION

Resolution 2022-82 Authorizing a Meeting that Excludes the Public

Moved by Councilmember Montferrat; Seconded by Councilmember Fowler.

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

Resolution adopted 6-0.

Resolution 2022-82

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

AUTHORIZING A MEETING WHICH EXCLUDES THE PUBLIC

BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that this body will hold a meeting on April 4, 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:

Personnel – Police Department

Personnel – Covid Policy

Contract Negotiations – Waste Management Stockton Street Lot

Stated as precisely as presently possible the following is the time when and the circumstances under which the discussion conducted at said meeting can be disclosed to the public July 4, 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.

ADJOURNMENT

Councilmember Montferrat moved to adjourn at 800 p.m.; Seconded by Councilmember Misiura. All ayes.

Respectfully Submitted,



Margaret Riggio
Borough Clerk

Approved by Hightstown Borough Council: **August 15, 2022**