

Meeting Minutes
Hightstown Borough Council
May 16, 2022
6:30 p.m.

The meeting was called to order by Mayor Quattrone at 6:31 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; George Lang, CFO; Carmela Roberts, Borough Engineer;

The Flag Salute followed roll call.

APPROVAL OF AGENDA

Councilmember Bluth moved to amend the agenda adding a discussion for the NJDOT Grant 2023; Seconded by Councilmember Montferrat.

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

Agenda amended 5-0.

Moved by Councilmember Bluth; Seconded by Councilmember Fowler.

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

Agenda approved as amended 5-0.

ENGINEERING ITEMS

Capital Budget – Waste Water Treatment Plant

Borough Engineer, Carmela Roberts, once again spoke about the Activated Sludge Tank Improvements and the Influent Drywell upgrades at the Sewer Plant. Borough Administrator, Dimitri Musing, went to inspect the drywell and agrees that it is severely deteriorated and recommends that Council add both projects to the capital budget. Both projects are an important part of the infrastructure. CFO, George Lang, would like to combine financing with the financing for the Meadow and Orchard improvements. We will be looking for financing through the Infrastructure Bank. Ms. Roberts is looking for authorization to start the application with IBank. She is also looking for authorization to move forward with the preparation of plan specifications, authorization to bid and inspections. After discussion, Council directed the Ms. Roberts to begin the application and specification process. The Borough Clerk was directed to prepare resolutions memorializing the authorizations for the next meeting.

Improvements to Hausser Avenue, Bennett Place and Prospect Drive

Ms. Roberts reviewed her letter to Council dated May 11, 2022. Discussion ensued regarding a mid-block crosswalk on Summit Street. There were questions about a 3-way stop sign at the mid-block crosswalk. Ms. Roberts stated that she would speak with Police Chief Gendron about this. All of Council is in favor of the midblock crosswalk on Summit Street. Ms. Roberts stated that the Planning Board had inquired about placing the sidewalks on the east Side of Hausser Avenue. She explained that the east side of Hausser has utility poles and steep lawns. Sidewalks would be on private property and we would need to regrade the properties. The proposed sidewalk on the west side of Hausser Avenue limits construction costs and minimizes impacts to private property. Planning Board also stated that they would like to have children at play signs added. After discussion, Council agreed to the proposed plans for this project.

Resolution 2022-97 Awarding a Contract for Replacement of Galvanized Pipes Located on Railroad Avenue and Dey Street

Ms. Roberts explained that in addition to the construction project at Railroad Avenue and Dey Street the Borough is looking at the replacement of galvanized pipes in roadway. The new State requirements mandate that all galvanized services from curb to the house must be changed. The water provider is obligated to ensure that all galvanized water services be replaced. This new law came into effect after the project was bid and contract awarded. We received a price from our emergency contractor, Earle Asphalt. Ms. Roberts feels this is a good price. She is recommending we move forward with Earle Asphalt for the replacement of galvanized pipes. Discussion ensued. Council questioned if the Borough is paying the cost for the line replacement from the curb to the house or if homeowners would be responsible for that cost. If their homeowners are responsible, special assessments would need to be placed on those properties. After discussion, Council agreed that a policy needs to be put into place for the replacement of the galvanized lines. They decided that it would be best to table this resolution until a policy is established.

Councilmember Bluth moved to table Resolution 2022-97; Councilmember Fowler seconded.

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

Resolution tabled 5-0.

Resolution 2022-98 Awarding a Contract for Water Tank Painting and Repairs at First Avenue, Leshin Lane and Cranbury Station Road

Moved by Councilmember Bluth; Seconded by Councilmember Montferrat.

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

Resolution adopted 5-0.

Resolution 2022-98

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

**AWARDING A CONTRACT FOR WATER TANK PAINTING AND REPAIRS AT
FIRST AVENUE, LESHIN LANE AND CRANBURY STATION ROAD**

WHEREAS, five (5) bids were received on April 28, 2022, for Water Tank Painting and Repairs at First Avenue, Leshin Lane and Cranbury Station Road; and

WHEREAS, the bids have been reviewed by the Borough Engineer and it is the Engineer's recommendation that a contract for the for Water Tank Painting and Repair at First Avenue, Leshin Lane and Cranbury Station Road; be awarded to the low bidder Allied Painting, Inc., of Cherry Hill, New Jersey at the price of \$427,300.00; and

WHEREAS, this project is being funded through an Environmental Infrastructure Financing Program loan and is subject to the approval of the NJDEP; and

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the contract for the for Water Tank Painting and Repairs at First Avenue, Leshin Lane and Cranbury Station Road be awarded to the low bidder, Allied Painting of Cherry Hill, New Jersey at the price of \$427,300.00.

NJDOT 2023 Municipal Aid Grant

Ms. Roberts informed Council that funding is available for the NJDOT 2023 Municipal Aid Grant. She is requesting improvements to Maxwell Avenue. The scope can be changed if we do not receive the anticipated amount of funding. She is looking for authorization to move forward with the application. After discussion, Council authorized Ms. Roberts to move forward with the application.

PUBLIC COMMENT

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

Barb Harrington, 137 South Street - Spoke about the animal control ordinance. Thanked Council for acquiring an Animal Control Officer. Stated that she sent a letter to council last week asking them to consider some changes to the Animal Control Ordinance.

Carol Nazario, 319 Grant Avenue – Thanked Council for appointing an Animal Control Officer. She stated that she would like to see the number of dogs allowed per resident changed. Limiting the number at 2 causes people not registering some or any of their dogs. Feels that the wording with what happens to dog if not claimed at the shelter is harsh. She also stated that microchipping is important for identification. She would like to see education to the public included in the ordinance.

Eugene Sarafin, 628 South Main Street – Stated that the wonderful thing about Hightstown Borough is that we take care of our infrastructure. Thanked Council for looking to future. This Council continues to do all the things that make this town wonderful. Spoke against the republicans.

Stephanie Spann, 115 Morrison Avenue – Spoke about the construction barricades on Railroad Avenue. Asked if there is there something we can do so that children aren't in the street when coming off the school bus.

Michele Epstein, 421 North Main Street – She questioned what the scope of the Ward Street Bridge Committee was. She also inquired about the timeline of implementation for traffic ordinances that have been recently adopted. Asked where Council was with the budget cycle.

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

ORDINANCES

Ordinance 2022-09 Public Hearing and Final Reading An Ordinance Amending and Supplementing the “Revised General Ordinances of the Borough of Hightstown, New Jersey,” In Order to Repeal the Existing Provisions of Articles 5-1 and 5-2 (Concerning “Dogs” and Cats”, Respectively) of Chapter 5, Entitled “Animal Control”, and Establish New Articles Thereof Concerning “Animal Control”

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

Gene Sarafin, 628 South Main Street – Supports this ordinance.

Barb Harrington, 137 South Street – Would like to see wording regarding microchipping in accordance with New Jersey Statute be added to this ordinance. Would also like to see the limitation on a number of the dogs be removed. Asked that the wording for humanely as possible would be changed to “be euthanized in a manner causing as little pain as possible by a method generally accepted by the veterinary medical profession as being reliable and appropriate to the type of animal upon which it is being employed and capable of producing loss of consciousness and death as rapidly and painlessly as possible”.

Carol Nazario, 319 Grant Avenue - Echoed Ms. Harrington’s comments.

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

Mayor Quattrone stated that we must be very careful with this ordinance. We have a one-year contract with Manalapan for Animal Control Officer and we need for that to be renewed.

Mr. Musing stated that we have discussed the recommended changes with the Health Officer. Some of the changes come right from the State Statute. The Animal Control Officer must comply with State law. Animal cruelty Falls under State code. We have an officer who is the animal cruelty officer. Finding an Animal Control Officer has been very difficult. He strongly advised that Council not make changes at this time. Placing any restrictions that make our ordinance more stringent than the State could cause problems down the road. If we delay this introduction, we are responsible for fees payable to Manalapan for the recovery of dogs. The Animal Control Officer does check to see if an animal is microchipped, it is State law.

Mr. Raffetto stated that time is of the essence to adopt this ordinance. He recommends moving forward with the adoption of the ordinance as presented to get the fees adopted. We can put further amendments in a future ordinance.

Moved for adopted by Councilmember Cicalese; Seconded by Councilmember Bluth.

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

Ordinance adopted 5-0.

BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY

**AN ORDINANCE AMENDING AND SUPPLEMENTING THE “REVISED
GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN, NEW JERSEY,” IN ORDER TO
REPEAL THE EXISTING PROVISIONS OF ARTICLES 5-1 AND 5-2 (CONCERNING “DOGS” AND
“CATS,” RESPECTIVELY) OF CHAPTER 5, ENTITLED “ANIMAL CONTROL,”
AND ESTABLISH NEW ARTICLES THEREOF CONCERNING “ANIMAL CONTROL”.**

WHEREAS, the Borough of Hightstown (the “Borough”) previously established Chapter 5, entitled “Animal Control,” of the “Revised General Ordinances of the Borough of Hightstown, New Jersey” (also referenced as the “Borough Code”); and

WHEREAS, the Mayor and Borough Council wish to repeal the existing provisions contained within Articles 5-1 and 5-2 (concerning “Dogs” and “Cats,” respectively) of the Borough Code, and to establish new Articles 5-1, 5-2 and 5-3 thereof, also relating to “Animal Control,” in accordance with the provisions set forth herein.

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. That the existing provisions contained within Article 5-1, entitled “Dogs,” and Article 5-2, entitled “Cats,” of Chapter 5, entitled “Animal Control,” of the “Revised General Ordinances of the Borough of Hightstown, New Jersey,” are hereby repealed in their entirety.

Section 2. That the following new Articles shall hereby be established as set forth in the within Ordinance, to read as follows:

Chapter 5. Animal Control

Article 5-1. Regulating and Licensing of Dogs

§ 5-1-1. Definitions.

As used in this article, the following terms shall have the meanings indicated:

DOG

Any member of the canine species, male, female or altered.

DOG OF LICENSING AGE

Any dog which has attained the age of seven months or which possesses a set of permanent teeth.

ELECTRONIC FENCE

A fence which is designed to contain dogs within its boundaries by using a hidden electronic signal intended to contain the dog within the electronic boundaries of the fence.

KEEPER

Any person exercising control over a dog or permitting a dog to remain on premises under his control.

KENNEL

Any establishment wherein or whereon the business of boarding or selling dogs or breeding dogs for sale is carried on, except a pet shop.

OWNER

When applied to the proprietorship of a dog, includes every person having a right of property in such dog and every person who has such dog in his keeping.

PET SHOP

Any place of business which is not part of a kennel, wherein animals, including, but not limited to, dogs, cats, birds, fish, reptiles, rabbits, hamsters or gerbils, are kept or displayed chiefly for the purpose of sale to individuals for personal appreciation and companionship rather than for business or research purposes.

POTENTIALLY DANGEROUS DOG

Any dog or dog hybrid which has been declared by a Municipal Judge to be potentially dangerous.

POUND

An establishment for the confinement of dogs seized either under the provisions of this article or otherwise.

SHELTER

Any establishment where dogs are received, housed and distributed.

VICIOUS DOG

Any dog which has attacked or bitten any human being or has caused any person to be fearful for his own safety by chasing, or which has habitually attacked other dogs or domestic animals. Any dog or dog hybrid which has been declared by a Municipal Judge to be a vicious dog.

§ 5-1-2. Licensing; fees.

A. License, when required. Licenses shall be required for the following dogs of licensing age:

- (1) Any dog owned or kept within the Borough by a resident of the Borough on the first day of January of any calendar year.
- (2) Any dog acquired by any person during the course of any calendar year and kept within the Borough for more than 30 days after acquisition.
- (3) Any dog attaining licensing age during the course of the calendar year.
- (4) Any unlicensed dog brought into the Borough by any person and kept within the Borough for more than 30 days.
- (5) Any dog licensed by another state brought into the Borough by any person and kept within the Borough for more than 90 days.

B. Application for license.

- (1) Each application for a license under this article shall give the following information:
 - (a) A general description of the dog sought to be licensed, including breed, sex, age, color and markings, and whether such dog is of a long- or short-haired variety.
 - (b) The name, street and post office address of the owner of, and the person who shall keep or harbor, such dog.
 - (c) Proof of the dog's inoculation against rabies. The proof of inoculation against rabies must be valid through October 31st of the licensing year.
- (2) Registration numbers shall be issued in the order in which applications are received.

C. Application for annual license, when made. Applications for licenses for dogs which are required to be licensed by the provisions of Subsection **A(1)** shall be made before January 31 of each calendar year. In all other cases, the application for a license shall be made within 30 days of the day upon which the dog in question first becomes subject to the provisions of this section.

- D. License record. The information on all applications under this article and the registration number issued to each licensed dog shall be preserved for a period of three years by the Board of Health. In addition, it shall forward similar information to the State Department of Health each month on forms furnished by the Department.
- E. Fees. The person applying for a license shall pay a fee of \$10.80 for each dog, shall also pay \$1.20 for the registration tag (Pilot Clinic Fee) for each dog, and an additional fee of \$3 for any dog of reproductive age which has not had its reproductive capacity permanently altered through sterilization. Any dog owner claiming to be exempt from the payment of the additional fee of \$3 shall provide a copy of a veterinarian's certificate, or a notarized statement by the owner, of the animal's neutering. The fees of \$1.20 and additional fee of \$3, when collected, shall be forwarded to the State Treasurer as provided by law. The same fee shall be charged for the annual renewal of each license and registration tag. If application shall not be made within the time limit set forth herein above, there shall also be a late charge per license, as follows. If application is made:
- (1) During February: \$5.
 - (2) During March: \$10.
 - (3) After March 31st: \$15.
- F. Expiration date. Each dog license and registration tag shall expire on December 31 of the calendar year in which it was issued.
- G. Exceptions.
- (1) The provisions of this section shall not apply to any dog licensed under § **5-1-3**, of this article. Dogs used as guides for blind persons and commonly known as "Seeing Eye" dogs shall be licensed in the same manner as other dogs, except that the owner or keeper shall not be required to pay any fee.
 - (2) Any valid license issued by another New Jersey municipality for the current year shall be accepted as evidence of compliance and no Hightstown Borough license must be issued.
- H. Loss of license. If a license tag has been misplaced or lost, the licensing official may issue a duplicate license for that particular dog at a fee of \$1.
- I. Limitation on Number of Dogs. No more than two dogs of licensing age shall be owned by or kept by any one family group. "Family Group", as used herein, shall mean all persons occupying one dwelling unit.

§ 5-1-3. Pet shops; fees.

- A. License required. Any person who keeps or operates or proposes to establish a pet shop, shall apply to the Board of Health for a license entitling him to keep or operate such establishment. Any person holding such license shall not be required to secure individual licenses for dogs owned by such licensee and kept at such establishments; such licenses shall not be transferable to another owner or different premises.
- B. Application information. The application shall contain the following information:
- (1) The name and permanent and local address of the applicant.
 - (2) The street address where the establishment is located or proposed to be located, together with a general description of the premises.
 - (3) The purposes for which it is to be maintained.
 - (3) The maximum number of dogs to be accommodated by such establishment at any one time.

- C. Approval of Health Officer. No license shall be issued until the proposed licensee submits a written statement from the Health Officer of the Board of Health that the establishment or proposed establishment complies with local and state rules governing the location of and sanitation at such establishment.
- D. License term. All licenses issued for a pet shop shall state the purpose for which the establishment is maintained, and all such licenses shall expire on the last day of December of each year.
- E. License fees. The annual license fees for pet shop licenses shall be \$50.
- F. Compliance with state regulations.
 - (1) All licenses issued for a pet shop shall be subject to revocation by the Borough Council on recommendation of the State Department of Health or the Board of Health for failure to comply with the rules and regulations of the State Department of Health or the Board of Health, after the owner has been afforded a hearing by either the State Department of Health or the Board of Health.
 - (2) Any person holding a license to establish, keep or operate pet shop shall comply with all Borough ordinances and the rules and regulations promulgated by the State Department of Health governing the sanitary conduct and operation of pet shops, the preservation of sanitation therein, and the prevention of the spread of rabies and other diseases of dogs within and from such establishments.
- G. Reports to State Health Department. The Board of Health shall forward to the State Department of Health a list of all pet shops licensed within 30 days after the licenses therefor are issued, which list shall include the name and address of the licensee and the kind of license issued.
- H. Control of dogs off premises. No dog kept in a pet shop shall be permitted off such premises, except on a leash or in a crate or other safe control.
- I. Plan Review Required. Any person proposing to locate and operate a new pet shop after July 1, 2022, shall submit a plan review application to the Board of Health for approval.
- J. Plan Review Fee. The Board of Health plan review fee for a pet shop shall be \$425.

§ 5-1-4. Disposition of fees.

- A. License fees and other moneys collected or received under the provisions of this article, except the registration tag fees, shall be forwarded to the Borough Finance Department within 30 days after collection or receipt and shall be placed in a special account separate from any of the other accounts of the Borough and shall be used for the following purposes only: collecting, keeping and disposing of dogs liable to seizure under this article; local prevention and control of rabies; providing anti rabies treatment under the direction of the local Board of Health for any person known or suspected to have been exposed to rabies; all other purposes prescribed by the statutes of New Jersey governing the subject; and for administering the provisions of this article. Any unexpended balance remaining in such special account shall be retained therein until the end of the third fiscal year following and may be used for any of the purposes set forth in this section. At the end of the third fiscal year following and at the end of each fiscal year thereafter, there shall be transferred from such special account to the general funds of the Borough any amount then in such account which is in excess of the total amount paid into the special account during the last two fiscal years next preceding.
- B. The registration tag fee for each dog shall be forwarded within 30 days after collection by the Borough Clerk to the State Department of Health.

§ 5-1-5. Canvass.

Any person appointed for the purpose by the governing body of the municipality, shall, at the direction of the governing body, cause a canvass to be made of all dogs owned, kept or harbored within the limits of their respective municipalities and shall report, on or before September 1 of the year in which the census is taken, to the clerk or other

person designated to license dogs in the municipality and to the local board of health, and to the State Department of Health the result thereof, setting forth in separate columns the names and addresses of persons owning, keeping or harboring unlicensed dogs, the number of unlicensed dogs owned, kept or harbored by each of said persons, together with a complete description of each of said unlicensed dogs.

§ 5-1-6. Vicious dogs; potentially dangerous dogs; rabies.

A. Complaints and investigation. It shall be the duty of the Police Department and the Animal Control Officer to receive and investigate complaints against dogs. If they reasonably believe any dog complained of to have rabies or to be a vicious dog, or potentially dangerous dog, as defined in § ~~5-1-1~~, they shall report their findings in writing to a Municipal Judge.

(1) The Animal Control Officer shall notify the Municipal Judge and the Municipal Health Officer immediately that he/she has seized and impounded a dog pursuant to this article, or that he/she has reasonable cause to believe that a dog has killed another domestic animal and that a hearing is required. The Animal Control Officer shall through a reasonable effort attempt to determine the identity of the owner of any dog seized and impounded pursuant to this article. If its owner cannot be identified within seven days, that dog may be humanely destroyed.

(2) The Animal Control Officer shall, within three working days of the determination of the identity of the owner of a dog seized and impounded pursuant to this article, notify by certified mail, return receipt requested, the owner concerning the seizure and impoundment and that, if the owner wishes, a hearing will be held to determine whether the impounded dog is vicious or potentially dangerous. This notice shall also require that the owner return within seven days, by certified mail or hand delivery, a signed statement indicating whether he/she wishes the hearing to be conducted or, if not, to relinquish ownership of the dog, in which case the dog may be humanely destroyed. If the owner cannot be notified by certified mail, return receipt requested, or refuses to sign for the certified letter, or does not reply to the certified letter with a signed statement within seven days of receipt, the dog may be humanely destroyed.

B. Destruction of rabid dogs; notice.

(1) All dogs noticeably infected with rabies and displaying vicious propensities may be killed by the Animal Control Officer or other authorized persons, without notice to the owner. The owner shall be notified of such killing within three days as to the reason for the killing.

(2) If a dog is believed to have rabies or has been bitten by a dog suspected of having rabies, such dog shall be confined by a leash or chain on the owner's premises and shall be placed under the observation of a veterinarian at the expense of the Borough for a period of two weeks.

(3) It shall be unlawful for any person knowing or suspecting that a dog has rabies to allow such dog to be taken off his premises or beyond the limits of the Borough without the written permission of the Animal Control Officer or any other authorized persons. Every owner, or other person, upon ascertaining a dog rabid, shall immediately notify the Animal Control Officer, a policeman or any other authorized persons, who shall either remove the dog to the pound or summarily destroy it.

§ 5-1-7. Impoundment and destruction of certain dogs; fees.

A. Causes for impounding. The Animal Control Officer shall take into custody and impound, or cause to be taken into custody and impounded, any of the following dogs:

(1) Any unlicensed dog running at large in violation of the provisions of this article.

(2) Any dog off the premises of the owner or the person keeping or harboring such dog which the Animal Control Officer or his agent has reason to believe is a stray dog.

(3) Any dog off the premises of the owner or the person keeping or harboring such dog without a current

registration tag on its collar.

- (4) Any female dog in season off the premises of the owner or the person keeping or harboring such dog.
 - (5) Any dog which has been determined to be a vicious dog or a potentially dangerous dog as provided in § 5-1-6, provided that such dog may also be seized by any police officer, and provided further that, if such dog cannot be seized with safety, it may be killed.
 - (6) Any dog or other animal which is suspected to be rabid.
 - (7) Any dog or other animal off the premises of the owner reported or observed by the Animal Control Officer to be ill, injured or creating a threat to the public health, safety and welfare or otherwise interfering with the enjoyment of property.
 - (8) Any dog or dog hybrid which the Animal Control Officer has reasonable cause to believe has attacked a person or caused death or serious bodily injury as defined in N.J.S.A. 2C:11-1(b) to that person; or has caused bodily injury as defined in N.J.S.A. 2C:11-1(a) to a person during an unprovoked attack and poses a serious threat of harm to persons or domestic animals; or has engaged in dog fighting activities as described in N.J.S.A. 4:22-26; or has been trained, tormented, badgered, baited or encouraged to engage in unprovoked attacks upon persons or domestic animals.
 - (9) Any dog off the premises of the owner or of the person keeping or harboring the dog which is not controlled by a leash or chain as provided in this article.
- B. Access to premises. Any officer or agent authorized or empowered to perform any duty under this article is hereby authorized to go upon any premises to seize for impounding any dog which he may lawfully seize and impound when such officer is in immediate pursuit of such dog, except upon the premises of the owner of the dog if the owner is present and forbids it.
- C. Authorized Enforcement Agents; Interference with Official Duties. This article may be enforced by any representative of the Code Enforcement Office of the Borough, any member of the Borough's Police Department, or the Animal Control Officer. No person shall hinder, molest, or interfere with anyone authorized or empowered to perform any duty under this article.
- D. Notice of seizure.
- (1) If any dog so impounded or seized wears a registration tag, collar or harness having inscribed thereon or attached thereto the name and address of any person, or if the owner of or the person keeping or harboring the dog is known, the Animal Control Officer shall immediately serve on the person whose address is given on the collar, or on the person owning, keeping or harboring the dog, a notice, in writing, stating that the dog has been seized and will be liable to be disposed of or destroyed if not claimed within seven days after service of the notice.
 - (2) A notice under this subsection may be served either by delivering it to the person on whom it is to be served or by leaving it at the person's usual or last known place of abode or at the address given on the collar, or by forwarding it by mail in a prepaid letter addressed to that person at his usual or last known place of abode or to the address given on the collar.
- E. Disposition of unclaimed dogs. The Animal Control Officer or his authorized representative, including an authorized kennel, is empowered to cause the destruction, in as humane a manner as possible, of any dog or other animal seized by him or otherwise coming into his possession, under any of the following circumstances:
- (1) When any dog or other animal has not been claimed by the person owning, keeping or harboring same within seven days after notice or within seven days of the animal's detention when notice cannot be given to the person owning, keeping or harboring the dog or other animal in accordance with Subsection D and

the administrative fee as provided in Subsection **F** has not been paid.

- (2) When any dog is unlicensed at the time it is seized or otherwise comes into the possession of the Animal Control Officer, and the person owning, keeping or harboring such dog has not produced a current license and registration tag as provided in this article.

F. Administrative & Impound Shelter Services fee. When a dog or other animal has been seized by or otherwise comes into the possession of the Animal Control Officer, there must be paid an administrative fee and an impound shelter services fee if the dog or other animal has been transported to the impound shelter, which is hereby established. The administrative and impound shelter services fee shall be payable to the Borough in the following manner:

- (1) The administrative fee for the return of a dog or other animal shall be \$60 per animal. The shelter services fee shall be \$75 if the animal is redeemed by its owner within 24 hours from entering the facility. If the animal is not redeemed by its owner within 24 hours, the shelter service fee shall be \$250 per animal.
- (2) If the dog or other animal is redeemed from the impounding shelter by the person owning, keeping, or harboring the animal, the Borough of Hightstown will mail, via certified mail, the resident a bill consisting of the administrative fee of \$60, plus the shelter service fee of either \$75 or \$250, depending on the animals' length of stay at the facility. This bill shall be payable within 15 days of the date of the certified mailing, or else the Borough Code Enforcement Officer will issue a summons for failure to pay the fee.

§ 5-1-8. Procedures for vicious or potentially dangerous dogs.

- A. Notice; hearing. The Municipal Judge shall notify in writing the owner or keeper of an allegedly vicious or potentially dangerous dog that a complaint has been made and require the person to appear before him at a stated time and place for a hearing.
- B. Findings to declare dog vicious; grounds.
 - (1) The Municipal Judge shall declare the dog vicious if it finds by clear and convincing evidence that the dog:
 - (a) Killed a person or caused serious bodily injury, as defined in N.J.S.A. 2C:11-1(b), to a person; or
 - (b) Has engaged in dog fighting activities as described in N.J.S.A. 4:22-24 and N.J.S.A. 4:22-26.
 - (2) A dog shall not be declared vicious for inflicting death or serious bodily injury, as defined in N.J.S.A. 2C:11-1(b), upon a person if the dog was provoked. The municipality shall bear the burden of proof to demonstrate that the dog was not provoked.
 - (3) If the Municipal Court declares a dog to be vicious, and no appeal is made of this ruling pursuant to N.J.S.A. 4:19-25, the dog shall be destroyed in a humane and expeditious manner, except that no dog may be destroyed during the pendency of an appeal.

§ 5-1-9. Finding to declare dog potentially dangerous.

- A. The Municipal Judge shall declare a dog to be potentially dangerous if it finds by clear and convincing evidence that the dog:
 - (1) Caused bodily injury, as defined in N.J.S.A. 2C:11-1(a), to a person during an unprovoked attack, and poses a serious threat of bodily injury or death to a person; or
 - (2) Killed another domestic animal; and
 - (a) Poses a threat of serious bodily injury or death to a person; or

- (b) Poses a threat of death to another domestic animal; or
- (3) Has been trained, tormented, badgered, baited or encouraged to engage in unprovoked attacks upon persons or domestic animals.

B. No declaration.

- (1) A dog shall not be declared potentially dangerous for:

- (a) Causing bodily injury, as defined in N.J.S.A. 2C:11-1(a), to a person if the dog was provoked; or
- (b) Killing a domestic animal if the domestic animal was the aggressor.

- (2) For the purposes of Subsection **B(1)(a)** of this section, the municipality shall bear the burden of proof to demonstrate that the dog was not provoked.

§ 5-1-10. Control of vicious dogs.

No person owning or keeping a vicious dog shall permit the dog to be off the property of the owner or keeper without being securely muzzled.

§ 5-1-11. Order and schedule for compliance for potentially dangerous dog; conditions.

If the Municipal Judge declares the dog to be potentially dangerous, it shall issue an order and a schedule for compliance which, in part:

A. Shall require the owner to comply with the following conditions:

- (1) To apply, at his own expense, to the Municipal Clerk or other official designated to license dogs pursuant to N.J.S.A. 4:19-15.2, for a special municipal potentially dangerous dog license, municipal registration number, and red identification tag. The owner shall, at his own expense, have the registration number tattooed upon the dog in a prominent location. A potentially dangerous dog shall be impounded until the owner obtains a municipal potentially dangerous dog license, municipal registration number, and red identification tag.
- (2) To display, in a conspicuous manner, a sign on his premises warning that a potentially dangerous dog is on the premises. The sign shall be visible and legible from 50 feet of the enclosure required pursuant to Subsection **A(3)** of this section;
- (3) To immediately erect and maintain an enclosure for the potentially dangerous dog on the property where the potentially dangerous dog will be kept and maintained, which has sound sides, top and bottom to prevent the potentially dangerous dog from escaping by climbing, jumping or digging and within a fence of at least six feet in height separated by at least three feet from the confined area. The owner of a potentially dangerous dog shall securely lock the enclosure to prevent the entry of the general public and to preclude any release or escape of a potentially dangerous dog by an unknowing child or other person. All potentially dangerous dogs shall be confined in the enclosure or, if taken out of the enclosure, securely muzzled and restrained with a tether approved by the Animal Control Officer and having a minimum tensile strength sufficiently in excess of that required to restrict the potentially dangerous dog's movements to a radius of no more than three feet from the owner and under the direct supervision of the owner.

B. May require the owner to maintain liability insurance in an amount determined by the Municipal Court to cover any damage or injury caused by the potentially dangerous dog. The liability insurance, which may be separate from any other homeowner policy, shall contain a provision requiring the municipality in which the owner resides to be named as an additional insured for the sole purpose of being notified by the insurance company of any cancellation, termination or expiration of the liability insurance policy.

§ 5-1-12. Procedures for appeal.

The owner of the dog, or the Animal Control Officer in the municipality in which the dog was impounded, may appeal any final decision, order, or judgment, including any conditions attached thereto, of a Municipal Court pursuant to N.J.S.A. 4:19-17 et seq. by filing an appeal with the Superior Court, Law Division, in accordance with the Rules Governing the Courts of the State of New Jersey pertaining to appeals from courts of limited jurisdiction. The Superior Court shall hear the appeal by conducting a hearing de novo in the manner established by those rules for appeals from courts of limited jurisdiction.

§ 5-1-13. Liability of owner for costs of impoundment and destruction; rabies testing.

- A. If a dog is declared vicious or potentially dangerous, and all appeals pertaining thereto have been exhausted, the owner of the dog shall be liable to the municipality in which the dog is impounded for the costs and expenses of impounding and destroying the dog. The municipality may establish by ordinance a schedule of these costs and expenses. The owner shall incur the expense of impounding the dog in a facility other than the municipal pound, regardless of whether the dog is ultimately found to be vicious or potentially dangerous.
- B. If the dog has bitten or exposed a person within 10 days previous to the time of euthanasia, its head shall be transported to the New Jersey State Department of Health laboratory for rabies testing.

§ 5-1-14. Right to convene hearing for subsequent actions of dog.

If the Municipal Judge finds that the dog is not vicious or potentially dangerous, the Municipal Court shall retain the right to convene a hearing to determine whether the dog is vicious or potentially dangerous for any subsequent actions of the dog.

§ 5-1-15. Duties of owner of potentially dangerous dog.

The owner of a potentially dangerous dog shall:

- A. Comply with the provisions of N.J.S.A. 4:19-17 et seq. in accordance with a schedule established by the Municipal Court but in no case more than 60 days subsequent to the date of determination;
- B. Notify the licensing authority, local Police Department or force, and the Animal Control Officer if a potentially dangerous dog is at large, or has attacked a human being or killed a domestic animal;
- C. Notify the licensing authority, local Police Department or force, and the Animal Control Officer within 24 hours of the death, sale or donation of a potentially dangerous dog;
- D. Prior to selling or donating the dog, inform the prospective owner that the dog has been declared potentially dangerous;
- E. Upon the sale or donation of the dog to a person residing in a different municipality, notify the Department and the licensing authority, Police Department or force, and Animal Control Officer of that municipality of the transfer of ownership and the name, address and telephone of the new owner; and
- F. In addition to any license fee required pursuant to N.J.S.A. 4:19-15.3, pay a potentially dangerous dog license fee in the amount of \$500 to the municipality as provided by N.J.S.A. 4:19-31.

§ 5-1-16. Violations and penalties; seizure and impoundment; destruction by court order.

Except as otherwise provided in this article, any person who violates, or who fails, or refuses to comply with, this article shall be liable for a penalty of not more than \$1,000 and six months' imprisonment, or both, for each offense, to be recovered by and in the name of the local Board of Health, or by and in the name of the municipality, and each day's continuance of the violation shall constitute a separate and distinct violation. The Municipal Court shall have jurisdiction to enforce this section. An Animal Control Officer is authorized to seize and impound any potentially

dangerous dog whose owner fails to comply with the provisions of N.J.S.A. 4:19-17 et seq., or any rule or regulation adopted pursuant thereto, or a court's order. The Municipal Court may order that the dog so seized and impounded be destroyed in an expeditious and humane manner.

§ 5-1-17. Potentially dangerous dog registration number, tag and license; publicizing of telephone number to report violations.

Each municipality shall:

A. Issue a potentially dangerous dog registration number and red identification tag along with a municipal potentially dangerous dog license upon a demonstration of sufficient evidence by the owner to the Animal Control Officer that he has complied with the court's orders. The last three digits of each potentially dangerous dog registration number issued by a municipality will be the three-number code assigned to that municipality in the regulations promulgated pursuant to N.J.S.A. 4:19-33. The Animal Control Officer shall verify, in writing, compliance to the Municipal Clerk or other official designated to license dogs in the municipality.

B. Publicize a telephone number for reporting violations of this article. This telephone number shall be forwarded to the State of New Jersey Department of Health, and any changes in this number shall be reported immediately to the State of New Jersey Department of Health.

§ 5-1-18. Regulation and control.

No person shall own, keep or harbor a dog in the Borough except in compliance with the provisions of this article and the following regulations:

- A. Wearing of registration. All dogs for which licenses are required by the provisions of this article to be licensed shall wear a collar or harness with the registration tag for such dog securely fastened thereto.
- B. Use of registration tags. No person, except an officer in the performance of his duties, shall remove a registration tag from the collar of any dog without the consent of the owner, nor shall any person attach a registration tag to a dog for which it was not issued.
- C. Interference with official duties. No person shall hinder, molest or interfere with anyone authorized or empowered to perform any duty under this article.
- D. Disturbing the peace. No person shall own, keep, harbor or maintain any dog which habitually barks or cries between the hours of 8:00 p.m. and 8:00 a.m.
- E. Running at large. No person owning, keeping or harboring any dog shall suffer to permit it to run at large outside the premises of the owner unless the dog is restrained by a fence, enclosure or leash or an electronic fence has been installed on the property and an individual at least 12 years of age is present on the premises at all times the dog remains outside.
- F. Leashing of dogs. No person owning, keeping or harboring any dog shall suffer or permit it to be upon the public streets or in any of the public places of the Borough, unless such dog is accompanied by a person over the age of 12 years and is securely confined and controlled by an adequate leash not more than six feet long.
- G. Property damage. No person owning, keeping or harboring a dog shall permit or suffer it to do any injury or to do any damage to any lawn, shrubbery, flowers, grounds or property not belonging to the owner or to cause injury to any livestock, person or domestic animal.
- H. Electronic fences, as defined in § **5-1-1**, may be installed on a property. Electronic fences shall comply with the following requirements:
 - (1) Electronic fences installed after September 1, 2004, may be installed no closer to the front property line than the front of the existing structure of the home.

(2) Electronic fences are prohibited in the front yards of any property unless they were installed prior to September 1, 2004.

(3) Any electronic fences that were properly installed in the front yards of properties as of September 1, 2004, may remain, provided that there are permanent signs next to the driveway and at any sidewalk leading directly to the house indicating that the property has an electronic fence.

§ 5-1-19. Quarantine of dogs and cats.

The Borough Council may, by proclamation, require all dogs and cats to be quarantined during such period in each year as may seem advisable to the Borough Council.

§ 5-1-20. Violations and penalties; appointment of Animal Control Officer and dog catchers.

A. Penalty. Except as otherwise provided in this article, any person who violates or fails or refuses to comply with this article shall be liable for a penalty of up to \$1,000 and six months imprisonment, or both.

B. The Borough Council and/or the Board of Health shall have the power to appoint an Animal Control Officer, whose duty it shall be to enforce the provisions of this article. The Borough Council and/or the Board of Health shall also have the power to appoint one or more persons, to be known as "dog-catchers," who may impound unlicensed dogs running at large in violation of the provisions of this article and who shall make a monthly and annual report to the Borough Council.

Article 5-2. Regulating and Licensing of Cats

§ 5-2-1. Definitions.

As used in this article, the following terms shall have the meanings indicated:

ABANDONED

As to a cat means that the cat has an appearance that an owner has forsaken a domesticated cat entirely, or the cat appears to be deprived of care, shelter and support.

ANIMAL

For the purpose of this article, "animal" shall mean "cat."

ANIMAL CONTROL AUTHORITY

Any person or agency designated or certified by the State of New Jersey to enforce the provisions of this article.

CAT

Any member of the domestic feline species, male, female or altered.

A. DOMESTICATED CAT

A cat that is socialized to humans and appears appropriate as a companion for humans as determined by the Animal Control Authority.

B. FERAL CAT

A cat that appears to exist in a wild or untamed state either due to circumstances of birth or conversion to a wild state of a previously domesticated cat after living out of doors for a period of time as determined by the Animal Control Authority.

CAT OF LICENSING AGE

Any cat which has attained the age of seven months, or which possesses a set of permanent teeth.

CATTERY

Any room or group of rooms, cage, or exhibition pen, not part of a kennel, wherein cats for sale or other transfer are kept or displayed.

EARTIPPING

Straight-line cutting of the tip of the left ear of a cat while the cat is anesthetized.

LICENSING AUTHORITY

The agency or department of Hightstown Borough or any designated representative thereof charged with administering the issuance and/or revocation of permits and licenses under the provisions of this article.

NEUTERED

Rendered permanently incapable of reproduction as certified by a licensed veterinarian.

NUISANCE

Conduct by cats that disturbs the peace and threatens the public health by:

- A. Habitually howling crying or screaming; or
- B. Significant destruction, desecration or soiling of property against the wishes of the owner of the property;
or
- C. Carrying a zoonotic disease.

OWNER

When applied to the proprietorship of a cat, shall include every person having a right of property (or custody) in such cat and every person who has such cat in his/her keeping or who harbors or maintains a cat, or knowingly permits a cat to remain on or about any premises occupied by that person. Any person that regularly feeds, shelters or cares for a cat shall be deemed the owner of that cat.

PERSON

Any individual, corporation, partnership, organization or institution commonly recognized by law as a unit.

TNR

Trap, neuter, return.

TNR PROGRAM

A program pursuant to which feral and abandoned cats are trapped, neutered or spayed, vaccinated against rabies and returned to the location where they congregate.

ZOONOTIC DISEASE

Those diseases transmittable to humans from animals, including parasitic, bacterial, fungal and viral diseases.

§ 5-2-2. Responsibility of owners of domesticated cats.

- A. Owners of domesticated cats shall provide appropriate and adequate food, water and shelter for their cat.
- B. Owners of domesticated cats shall license each cat. Vaccination against rabies is required for licensing.
- C. The owner of a domesticated cat violates this section if the cat creates a nuisance.
- D. The owner of a sexually intact (not spayed or neutered) domesticated cat shall not permit the cat to roam unsupervised off the property of the owner.
- E. An owner shall not abandon a domesticated cat.

§ 5-2-3. Responsibility of property owners.

- A. The owner of real property shall spay/neuter and license any domestic cat the property owner permits to wander unsupervised on and off his/her property.
- B. The owner of real property shall not allow sexually intact (not spayed or neutered) feral cats to congregate on his/her property.
- C. The owner of real property violates this section if a cat on his/her property creates a nuisance.
- D. Only an Animal Control Officer, the ASPCA, or volunteers of TNR programs are authorized to trap cats anywhere in the Borough. A property owner may trap on his/her own property using a trap approved by the Animal Control Officer. It is a violation of this section for any unauthorized person to trap cats.

§ 5-2-4. Rabies vaccination of cats.

- A. Vaccination and license requirements. No person shall own, keep, harbor, or maintain any cat over seven months of age within Hightstown Borough, unless such cat is vaccinated and licensed. The provisions of this section do not apply to cats held in a cattery, or those held by a state or federal licensed research facility, or a veterinary establishment where cats are received or kept for diagnostic, medical, surgical, or other treatments, or licensed animal shelters, pounds, kennels, or pet shops.
- B. Vaccination. All cats shall be vaccinated against rabies by a licensed veterinarian in accordance with the latest "Compendium of Animals Vaccine and Recommendations for Immunization" published by the National Association of State Public Health Veterinarians, except as provided for in Subsection **D**.
- C. Vaccination certificate. A certificate of vaccination shall be issued to the owner of each animal vaccinated on a form recommended by the state.
- D. Exemptions. Any cat may be exempted from the requirements of such vaccination for a specified period of time by the local Board of Health, upon presentation of a veterinarian's certificate stating that because of an infirmity or other physical condition, or regimen of therapy, the inoculation of such cat shall be deemed inadvisable.
- E. Newly Acquired Cats. The owner of any newly acquired cats of vaccination age or of any cat which attains vaccination age, shall have such cat vaccinated within 10 days after such acquisition or age attainment.
- F. Cats Brought into the Borough. Any person who shall bring or cause to be brought into the Borough any cat vaccinated in another State for the current year and bearing an appropriate registration tag and who shall keep such cat or permit such cat to be kept within the Borough for a period of more than 90 days shall, upon the expiration of the ninety-day period, provide proof of current vaccination status to the Board of Health.
- G. Proof of Vaccination. Proof of vaccination shall be produced by any person owning, keeping, maintaining or harboring a cat upon the request of any Board of Health official, Police Officer, Animal Control Officer or other person authorized by the Board of Health or the Borough.

§ 5-2-5. Licensing requirements; fees.

- A. Cats must have license number displayed. Any person who shall own, keep, or harbor a cat of licensing age shall annually apply for and procure from the Borough Clerk or other official designated by the Mayor and Council thereof to license cats in the municipality in which he/she resides a license and official registration tag with license number, or a registration sleeve for each cat so owned, kept, or harbored, and shall place upon such cat a collar or other device with the license number securely fastened or displayed thereto. Acceptable methods of displaying a license number shall include, but are not limited to, breakaway or elastic collars. License tags or sleeves are not transferable.
- B. Time for applying for license. The owner of any newly acquired cat of licensing age, or of any cat which attains

licensing age, shall make application for a license tag or sleeve for such cat within 30 days after such acquisition or age attainment. This requirement will not apply to a nonresident keeping a cat within the Borough for no longer than 90 days.

C. Cats brought into the Borough. Any person who shall bring or cause to be brought into the Borough any cat licensed in another state for the current year, and bearing a registration tag or sleeve, and shall keep the same or permit the same to be kept within the Borough for a period of more than 90 days, shall immediately apply for a license and registration tag or sleeve for each such cat.

(1) Any person who shall bring or cause to be brought into the Borough any unlicensed cat, not owned by such person, and shall keep same or permit same to be kept within the Borough for a period of more than 30 days, shall immediately apply for a license and registration tag or sleeve for each such cat.

(2) The property owner is responsible for the vaccination and licensing of any cat that remains on his/her property for a period of more than 10 days.

D. Application contents; preservation of information.

(1) The application shall state the breed, sex, age, color, and markings of the cat for which license and registration are sought, and whether it is of a long- or short-haired variety; also the name, street, and post office address of the owner, and the person who shall keep or harbor such cat. The information on said application and the registration number issued for the cat shall be preserved for a period of three years by the Borough Clerk or other official designated to license cats in the Borough.

(2) Applications for licenses for cats which are required to be licensed by the provisions of this article shall be made prior to January 31 each year to the Borough Clerk or other official designated by the Mayor and Council. In all other cases, the application for license shall be made within 30 days of the day upon which the cat in question first becomes subject to the provisions of this article, as set forth more specifically in Subsections **B** and **C**.

E. License forms and tags. License forms and official tags or sleeves shall be furnished by the Borough and shall be numbered serially, and shall bear the year of issuance and the name of the Borough.

F. Evidence of inoculation with rabies vaccine or certification of exemption; requirement for license. The Borough Clerk or other official designated by the Mayor and Council to license cats shall not grant any such license and official registration tag or sleeve for any cat unless the owner thereof provides evidence that the cat to be licensed and registered has been inoculated with a rabies vaccine of a type approved by and administered in accordance with the recommendations of the United States Department of Agriculture and the United States Department of Human Services, or has been certified exempt as provided by § 5-2-4 of this article. The rabies inoculation shall be administered by a duly licensed veterinarian, or by such other veterinarian permitted by law to do the same.

G. License Fee Schedule. A license shall be issued after payment of a fee of \$14 for each cat not neutered and \$10 for each neutered cat. Those family groups which presently possess more than two cats, in accordance with § 5-2-5M, shall not be required to pay total annual fees in excess of \$30 for the licensing of all of the cats, exclusive of any delinquent fees which may apply in accordance with this section. Person who fail to obtain a license as required within the time period specified in this section will be subject to a delinquent fee per license as follows. If application is made:

(1) During February: \$5.

(2) During March: \$10.

(3) After March 31: \$15.

H. Fees, renewals, expiration date of license.

- (1) Expiration Date. Each cat license and registration tag shall expire on December 31 of the calendar year in which it was issued.
 - (2) Licenses from another municipality shall be accepted. The person applying for the license and registration tag and/or sleeve shall pay the fee fixed or authorized. The fee for the renewal of a license and registration tag or sleeve shall be the same as for the original, and the license, registration tag or sleeve and renewal thereof shall expire on December 31 of the calendar year in which it was issued.
 - (3) Only one license and registration tag or sleeve shall be required in the licensing year for any cat in the Borough. Any valid New Jersey license tag or sleeve issued by a New Jersey municipality shall be accepted by the Borough.
- I. Loss of license. If a license tag or sleeve has been misplaced or lost, the Board of Health may issue duplicate license and/or registration sleeve for that particular cat at a fee of \$1.
 - J. Proof of licensing. Proof of licensing shall be produced by any person owning, keeping, maintaining, or harboring a cat, upon the request of any Health Official, Police Officer, Animal Control Officer, or other authorized person.
 - K. Interfering with persons performing duties under this article. No person shall hinder, molest, or interfere with anyone authorized or empowered to perform any duty under this article.
 - L. Disposition of fees collected. License fees and other moneys collected or received under the provisions of this article shall be forwarded to the Finance Department of the Borough, and shall be placed in a special account separate from any of the other accounts of the municipality and shall be used for the following purposes only: collecting, keeping and disposing of cats liable to seizure, for local prevention and control of rabies, including the dissemination of public information, educational programs, providing anti-rabies treatment under the direction of the local Board of Health for any person known or suspected to have been exposed to rabies, and for administering the provisions of this article. The allocation and payment of the license fees and other moneys collected and/or received under the provisions of this article shall be at the sole discretion of the local Board of Health for the above specified purposes. Any unexpended balance remaining in such special account shall be retained until the end of the third fiscal year following, and may be used for any of the purposes set forth in this section. At the end of said third fiscal year following, and at the end of each fiscal year thereafter, there shall be transferred from such special account to the general funds of the Borough any amount then in such account which is in excess of the total amount paid into the special account during the last two fiscal years next preceding.
 - M. Sanitation of Quarters. The quarters where cats are kept shall be kept clean and sanitary under standards generally accepted for the housing, feeding and care of cats by the American Veterinary Medical Association.

§ 5-2-6. Regulation and control.

No person shall own, keep or harbor a cat in the Borough except in compliance with the provisions of this article and the following regulations:

- A. Use of registration tags. No person, except an officer in the performance of his duties, shall remove a registration tag from the collar of any cat without the consent of the owner, nor shall any person attach a registration tag to a cat for which it was not issued.
- B. Interference with official duties. No person shall hinder, molest or interfere with anyone authorized or empowered to perform any duty under this article.
- C. Disturbing the peace. No person shall own, keep, harbor or maintain any cat which habitually cries between the hours of 8:00 p.m. and 8:00 a.m.

- D. Running at large. No person owning, keeping or harboring any cat shall suffer to permit it to run at large outside the premises of the owner.
- E. Nuisance. No person owning, keeping or harboring a cat shall permit or suffer it to do any injury or to do any damage to any lawn, shrubbery, flowers, grounds or property not belonging to the owner or to cause injury to any livestock, person or domestic animal.
- F. No owner of property shall allow unspayed, unvaccinated feral cats to run at large outside the premises of the owner. Vaccination and spaying shall be evidenced by ear-tipping. Farms are exempt from the provisions of this subsection.

§ 5-2-7. Impoundment and destruction of certain cats; fees.

- A. Causes for impounding. The Animal Control Officer may take into custody and impound, or cause to be taken into custody and impounded, any of the following cats:
 - (1) Any unlicensed cat running at large in violation of the provisions of this article.
 - (2) Any cat off the premises of the owner, or the person keeping or harboring such cat, which the Animal Control Officer or his agent has reason to believe is a stray cat.
 - (3) Any cat off the premises of the owner, or the person keeping or harboring such cat, without a current registration tag on its collar.
 - (4) Any cat or other animal which is suspected to be rabid or evidences any sign of zoonotic disease.
 - (5) Any feral cat whose vaccination and spay/neuter status is not evidenced by ear tipping.
 - (6) Any cat or other animal off the premises of the owner reported or observed by the Animal Control Officer to be ill, injured or creating a threat to the public health, safety and welfare or otherwise interfering with the enjoyment of property.
 - (7) Any cat which the Animal Control Officer has reasonable cause to believe has attacked a person or caused death or serious bodily injury, as defined in N.J.S.A. 2C:11-1(b), to that person; or has caused bodily injury, as defined in N.J.S.A. 2C:11-1(a), to a person during an unprovoked attack and poses a serious threat of harm to persons or domestic animals.
- B. Access to premises. Any officer or agent authorized or empowered to perform any duty under this article is hereby authorized to go upon any premises to seize for impounding any cat which he may lawfully seize and impound when such officer is in immediate pursuit of such cat, except upon the premises of the owner of the cat if the owner is present and forbids it.
- C. Notice of seizure.
 - (1) If any cat so impounded or seized wears a registration tag, collar or harness having inscribed thereon or attached thereto the name and address of any person, or if the owner of or the person keeping or harboring the cat is known, the Animal Control Officer shall immediately serve on the person whose address is given on the collar, or on the person owning, keeping or harboring the cat, a notice, in writing, stating that the cat has been seized and will be liable to be disposed of or destroyed if not claimed within seven days after service of the notice.
 - (2) A notice under this subsection may be served either by delivering it to the person on whom it is to be served or by leaving it at the person's usual or last known place of abode or at the address given on the collar, or by forwarding it by mail in a prepaid letter addressed to that person at his usual or last known place of abode or to the address given on the collar.
- D. Disposition of unclaimed cats. The Animal Control Officer or his authorized representative, including an

authorized kennel, is empowered to cause the destruction, in as humane a manner as possible, of any cat or other animal seized by him or otherwise coming into his possession, under any of the following circumstances:

- (1) When any cat or other animal has not been claimed by the person owning, keeping or harboring same within seven days after notice or within seven days of the animal's detention when notice cannot be given to the person owning, keeping or harboring the cat or other animal in accordance with Subsection C and the administrative fee as provided in Subsection E has not been paid.
- (2) When any cat is unlicensed at the time it is seized or otherwise comes into the possession of the Animal Control Officer, and the person owning, keeping or harboring such cat has not produced a current license and registration tag as provided in this article.

E. Administrative & Impound Shelter Services fee. In order for a cat or other animal to be returned to the person owning, keeping or harboring same, when the cat or other animal has been seized by or otherwise comes into the possession of the Animal Control Officer, there must be paid an administrative fee, which is hereby established. This fee shall be exclusive of any charges or fees of a kennel for the custody, care, maintenance, control or disposal of the cat or other animal. The administrative fee shall be payable to the Borough in the following manner:

- (1) The administrative fee for the return of a cat or other animal shall be \$60 per animal. The shelter services fee shall be \$75 if the animal is redeemed by its owner within 24 hours from entering the facility. If the animal is not redeemed by its owner within 24 hours, the shelter service fee shall be \$250 per animal.
- (2) If the cat or other animal is redeemed from the impounding shelter by the person owning, keeping, or harboring the animal, the Borough of Hightstown will mail, via certified mail, the resident a bill consisting of the administrative fee of \$60, plus the shelter service fee of either \$75 or \$250, depending on the animals' length of stay at the facility. This bill shall be payable within 15 days of the date of the certified mailing, or else the Borough Code Enforcement Officer will issue a summons for failure to pay the fee.

§ 5-2-8. Violations and penalties.

Except as otherwise provided in this article, any person who violates, or who fails, or refuses to comply with, this article shall be liable for a penalty of not more than \$1,000 and six months' imprisonment, or both, for each offense, to be recovered by and in the name of the local Board of Health, or by and in the name of the municipality, and each day's continuance of the violation shall constitute a separate and distinct violation.

Article 5-3. Sale of Dogs and Cats from Pet Shops

§ 5-3-1. Definitions.

As used in this article, the following terms shall have the meanings indicated:

ANIMAL CARE FACILITY

An animal control center or animal shelter, maintained by or under contract with any state, county, or municipality, whose mission and practice is, in whole, or significant part, the rescue and placement of animals in permanent homes or rescue organizations.

ANIMAL RESCUE ORGANIZATION

Any not-for-profit organization which has tax-exempt status under Section 501(c)(3) of the United States Internal Revenue Code, whose mission and practice is, in whole or in significant part, the rescue and placement of animals in permanent homes. The organization shall be registered with New Jersey Department of Health as an Animal Welfare Agency.

CAT

A member of the species of domestic cat, Felis catus.

DOG

A member of the species of domestic dog, Canis familiaris.

OFFER FOR SALE

To sell, offer for sale or adoption, advertise for the sale of, barter, auction, give away or otherwise dispose of a dog or cat.

PET SHOP

A retail establishment where dogs and cats are sold exchanged, bartered or offered for sale as pet animals to the general public at retail. Such definition shall not include an animal care facility or animal rescue organization, as defined herein.

§ 5-3-2. Restrictions on sale of dogs and cats.

A. A pet shop may offer for sale only those dogs and cats that the pet shop has obtained from or displays in cooperation with:

- (1) An animal care facility; or
- (2) An animal rescue organization.

B. A pet shop shall not offer for sale a dog or cat that is younger than eight weeks old.

Section 3. That the provisions currently contained within Article 5-3 of the Borough Code, entitled “Disposal of Pet Waste,” shall now be included in and referenced as Article 5-4, to be entitled “Disposal of Pet Waste.”

Section 4. That the provisions currently contained within Article 5-4 of the Borough Code, entitled “Farm Animals and Fowl,” shall now be included in and referenced as Article 5-5, to be entitled “Farm Animals and Fowl.

Section 5. That this Ordinance shall become effective immediately upon final passage and publication in accordance with the law.

Section 6. That all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 7. That, in the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to that portion of the Ordinance actually adjudged to be invalid, and the remaining portions of this Ordinance shall be deemed severable therefrom and shall not be affected.

Ordinance 2022-10 First Reading and Introduction An Ordinance to Exceed the Municipal Budget Appropriation Limits to Establish a Cap Bank (N.J.S.A. 40A 4-45.14)

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

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

Ordinance introduced 5-0.

Public Hearing scheduled for June 6, 2022.

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

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

WHEREAS, the Local Government Cap Law, *N.J.S. 40A: 4-45.1 et seq.*, provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

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

WHEREAS, the Mayor and Council of the Borough of Hightstown in the County of Mercer finds it advisable and necessary to increase its CY 2022 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

WHEREAS, the Mayor and Council hereby determine that a 1.0% increase in the budget for said year, amounting to \$60,623.08 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

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

NOW THEREFORE BE IT ORDAINED, by the Mayor and Council of the Borough of Hightstown, in the County of Mercer, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2022 budget year, the final appropriations of the Borough of Hightstown shall, in accordance with this ordinance and *N.J.S.A. 40A: 4-45.14*, be increased by 3.5%, amounting to \$212,180.78, and that the CY 2022 municipal budget for the Borough of Hightstown be approved and adopted in accordance with this ordinance; and,

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

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

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

Ordinance 2022-11 First Reading and Introduction Bond Ordinance Providing for Improvements to Various Roads in and by the Borough of Hightstown, in the County of Mercer, New Jersey, Appropriating \$1,150,000 therefor and Authorizing the Issuance of \$650,000 Bonds or Notes of the Borough to Finance Part of the Cost Thereof

Borough Attorney, Fred Raffetto stated the Administrator brought to his attention earlier today that in both this ordinance and 2022-12, in section three, the Improvements should include Meadow Drive as well, right now they both read improvements to Orchard Avenue Clover Lane and South Main Street, but Meadow Drive was not included and that was an error. So we would like to incorporate Meadow Drive in both ordinances 2022-11 and 2022-12. His suggestion was if Council agrees, that it be moved as amended with the addition of Meadow Drive.

Councilmember Fowler moved the amendments to both Ordinances 2022-11 and 2022-12; Seconded by Councilmember Bluth.

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

Ordinance amended 5-0.

Moved by for introduced as amended by Councilmember Bluth; Seconded by Councilmember Misiura.

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

Ordinance as amended adopted 5-0.

Public Hearing scheduled for June 6, 2022.

Ordinance 2022-11

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

**BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO
VARIOUS ROADS IN AND BY THE BOROUGH OF HIGHTSTOWN, IN
THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING
\$1,150,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF
\$650,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART
OF 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") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$1,150,000, including a grant in the amount of \$500,000 expected to be received from the State of New Jersey Department of Transportation (the "State Grant"). Pursuant to N.J.S.A. 40A:2-11(c), no down payment is provided for the costs of the project since the project is being partially funded by the State Grant.

Section 2. In order to finance the cost of the improvement not covered by the State Grant, negotiable bonds are hereby authorized to be issued in the principal amount of \$650,000 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 improvements to Orchard Avenue, Meadow Drive, Clover Lane and South Main Street, 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 other 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 10 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 Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$650,000, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$155,000 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 if other than as referred to in Section 1 hereof, 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

Ordinance 2022-12 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 \$380,000 therefor and Authorizing the Issuance of \$380,000 Bonds or Notes of the Borough to Finance Part of the Cost Thereof

Moved by for introduced as amended by Councilmember Bluth; Seconded by Councilmember Misiura.

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

Ordinance as amended adopted 5-0.

Public Hearing scheduled for June 6, 2022.

Ordinance 2022-12

*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 \$380,000 THEREFOR AND AUTHORIZING THE

**ISSUANCE OF \$380,000 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 \$380,000. 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 \$380,000 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-sewer utility improvements to Orchard Avenue, Meadow Drive, Clover Lane and South Main Street, 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 40 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 \$380,000, and the obligations authorized herein will be within all

debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$55,000 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 2022-99 Authorizing Payment of Bills

Moved by Councilmember Montferrat; Seconded by Councilmember Fowler.

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

Resolution adopted 5-0.

Resolution 2022-99

*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 \$82,650.80 from the following accounts:

Current		\$53,093.19	
W/S Operating		22,716.21	
General Capital		575.40	
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>6,266.00</u>	
Total		<u>\$82,650.80</u>	

Resolution 2022-100 Ratifying the Memorandum of Agreement with the Hightstown Members of Local 32 of the Office and Professional Employees International Union AFL-CIO-White Collar Unit for the Years 2022, 2023, 2024 & 2025, and Authorizing the Execution of a Collective Bargaining Agreement Relating Thereto

Moved by Councilmember Bluth; Seconded by Councilmember Misiura.

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

Resolution adopted 5-0.

Resolution 2022-100

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

RATIFYING THE MEMORANDUM OF AGREEMENT WITH THE HIGHTSTOWN MEMBERS OF LOCAL 32 OF THE OFFICE AND PROFESSIONAL EMPLOYEES INTERNATIONAL UNION AFL-CIO – WHITE COLLAR UNIT FOR THE YEARS 2022, 2023, 2024 & 2025, AND AUTHORIZING THE EXECUTION OF A COLLECTIVE BARGAINING AGREEMENT RELATING THERETO

WHEREAS, the Borough of Hightstown and the Hightstown Members of Local 32 of the Office and Professional Employees International Union AFL-CIO – White Collar Unit have negotiated a Memorandum of Agreement for the years 2022, 2023, 2024 and 2025; and

WHEREAS, a copy of the Memorandum of Agreement is attached hereto and made a part hereof; and

WHEREAS, the Memorandum of Agreement has been reviewed by all parties and ratified by the Hightstown Members of Local 32 of the Office and Professional Employees International Union AFL-CIO – White Collar Unit; and

WHEREAS, it is the desire of the Mayor and Council that it be approved, ratified and executed by the appropriate representatives of the Borough; and

WHEREAS, it is also the desire of the Mayor and Council to authorize the appropriate Borough Officials to execute a new Collective Bargaining Agreement (“CBA”) with Hightstown Members of Local 32 of the Office and Professional Employees International Union AFL-CIO – White Collar Unit for the years 2022, 2023, 2024 and 2025, so long as the CBA includes all of the terms and conditions set forth in the attached Memorandum of Agreement and the CBA is satisfactory to the Borough’s Labor Counsel.

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

1. That the attached Memorandum of Agreement with Hightstown Members of Local 32 of the Office and Professional Employees International Union AFL-CIO – White Collar Unit for the years 2022, 2023, 2024 and 2025, which agreement is on file in the Borough Clerk’s office, is hereby approved and ratified.
2. That the Mayor is hereby authorized to execute, and the Borough Clerk to attest, a new CBA with Hightstown Members of Local 32 of the Office and Professional Employees International Union AFL-CIO – White Collar Unit for the years 2022, 2023, 2024 and 2025, so long as the CBA includes all of the terms and conditions set forth in the attached Memorandum of Agreement and the CBA is satisfactory to the Borough’s Labor Counsel.
3. That a certified copy of this Resolution shall be provided to each of the following:
 - Hightstown Local 32 of the Office and Professional Employees International Union AFL-CIO – White Collar Unit;
 - Robert Merryman, Labor Counsel

See Appendix 1 attached hereto and made part thereof.

Resolution 2022-101 Ratifying the Memorandum of Agreement with the Hightstown Members of Local 32 of the Office and Professional Employees International Union AFL-CIO-Blue Collar Unit for the Years 2022, 2023, 2024 & 2025, and Authorizing the Execution of a Collective Bargaining Agreement Relating Thereto

Moved by Councilmember Bluth; Seconded by Councilmember Montferrat.

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

Resolution adopted 5-0.

Resolution 2022-101

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

RATIFYING THE MEMORANDUM OF AGREEMENT WITH THE HIGHTSTOWN MEMBERS OF LOCAL 32 OF THE OFFICE AND PROFESSIONAL EMPLOYEES INTERNATIONAL UNION AFL-CIO – BLUE COLLAR UNIT FOR THE YEARS 2022, 2023, 2024 & 2025, AND AUTHORIZING THE EXECUTION OF A

COLLECTIVE BARGAINING AGREEMENT RELATING THERETO

WHEREAS, the Borough of Hightstown and the Hightstown Members of Local 32 of the Office and Professional Employees International Union AFL-CIO – Blue Collar Unit have negotiated a Memorandum of Agreement for the years 2022, 2023, 2024 and 2025; and

WHEREAS, a copy of the Memorandum of Agreement is attached hereto and made a part hereof; and

WHEREAS, the Memorandum of Agreement has been reviewed by all parties and ratified by the Hightstown Members of Local 32 of the Office and Professional Employees International Union AFL-CIO – Blue Collar Unit; and

WHEREAS, it is the desire of the Mayor and Council that it be approved, ratified and executed by the appropriate representatives of the Borough; and

WHEREAS, it is also the desire of the Mayor and Council to authorize the appropriate Borough Officials to execute a new Collective Bargaining Agreement (“CBA”) with Hightstown Members of Local 32 of the Office and Professional Employees International Union AFL-CIO – Blue Collar Unit for the years 2022, 2023, 2024 and 2025, so long as the CBA includes all of the terms and conditions set forth in the attached Memorandum of Agreement and the CBA is satisfactory to the Borough’s Labor Counsel.

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

1. That the attached Memorandum of Agreement with Hightstown Members of Local 32 of the Office and Professional Employees International Union AFL-CIO – Blue Collar Unit for the years 2022, 2023, 2024 and 2025, which agreement is on file in the Borough Clerk’s office, is hereby approved and ratified.
2. That the Mayor is hereby authorized to execute, and the Borough Clerk to attest, a new CBA with Hightstown Members of Local 32 of the Office and Professional Employees International Union AFL-CIO – Blue Collar Unit for the years 2022, 2023, 2024 and 2025, so long as the CBA includes all of the terms and conditions set forth in the attached Memorandum of Agreement and the CBA is satisfactory to the Borough’s Labor Counsel.
3. That a certified copy of this Resolution shall be provided to each of the following:
 - Hightstown Local 32 of the Office and Professional Employees International Union AFL-CIO – Blue Collar Unit;
 - Robert Merryman, Labor Counsel

See Appendix 2 attached hereto and made part thereof

CONSENT AGENDA

Councilmember Montferrat moved Resolutions 2022-102, 2022-103 and 2022-104 as a Consent Agenda; Councilmember Cicalese seconded.

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

Resolutions adopted 5-0.

Resolution 2022-102
BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER

STATE OF NEW JERSEY

**A RESOLUTION AUTHORIZING HIGHTSTOWN BOROUGH'S PARTICIPATION
IN THE NORTH JERSEY WASTEWATER COOPERATIVE PRICING SYSTEM**

WHEREAS, the Borough of Hightstown desires to become a member of the North Jersey Wastewater Cooperative Pricing System, NJWCPS, effective June 9, 2022, and, that such membership shall be for the period ending November 24, 2024, and each renewal, thereafter of the system, unless the Borough of Hightstown elects to formally withdraw from the system;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Hightstown that the Mayor and Borough Clerk are hereby authorized to execute the attached agreement for such membership.

**AGREEMENT
NORTH JERSEY WASTEWATER COOPERATIVE PRICING SYSTEM PARTICIPANTS**

This agreement made and entered into this day of _____, 2021 by and between the Passaic Valley Sewerage Commission (hereinafter referred to as "PVSC") and the Borough of Hightstown, a governmental corporation of the State of New Jersey or Public Agency located at 156 Bank Street, Hightstown, New Jersey (hereinafter referred to as the "Participating Contracting Unit").

WITNESSETH:

LEGAL AUTHORITY:

WHEREAS, N.J.S. 40A:11-11 (5), specifically authorizes two or more contracting units to enter into a Cooperative Pricing System and Agreement for the purchase of work, materials and supplies; and

WORK TO BE PERFORMED:

WHEREAS, the Passaic Valley Sewerage Commission will conduct a Cooperative Pricing System with Participating Contracting Units, utilizing administrative purchasing services and facilities of the PVSC; and this Cooperative Pricing Agreement is to effect substantial economies in the purchase of goods and supplies; and

WHEREAS, the PVSC wishes to operate the **North Jersey Wastewater Cooperative Pricing System** (hereinafter referred to as the NJWCPS) with the Bergen County Utilities Authority (BCUA), the Joint Meeting of Essex and Union Counties (JMEUC), the Pequannock, Lincoln Park, and Fairfield Sewerage Authority- Two Bridges (TBSA), the Northwest Bergen County Utilities Authority, the Rahway Valley Sewerage Authority, the Town of Morristown, the Township of Wayne, the City of Asbury Park, the Linden Roselle Sewerage Authority, the Sussex County Municipal Utilities Authority, the Township of Mine Hill, the Musconetcong Sewerage Authority, the Borough of Fair Lawn, the Township of Morris, the Village of Ridgewood, the Rockaway Valley Sewerage Authority, the Atlantic County Utilities Authority, the Township of Wall, the Township of Readington, the Borough of South Plainfield, the Borough of Lodi, the Borough of Madison, the Secaucus Municipal Utilities Authority, the Two Rivers Water Reclamation Authority, the Borough of Point Pleasant, the Township of Branchburg, the Township of Parsippany-Troy Hills, the Township of Springfield, the Township of Neptune, the Township of Verona, the Borough of Lindenwold, the North Bergen Utilities Authority, the Bayshore Regional Sewerage Authority, the Lacey Municipal Utilities Authority, the Cape May County Municipal Utilities Authority, the Bernards Township Sewerage Authority, the South Monmouth Regional Sewerage Authority, the East Windsor Utilities Authority, the Borough of Stone Harbor, the Borough of Bloomingdale, the Township of Livingston, the Township of Roxbury, the Township of Freehold, the Southeast Morris County Utilities Authority, the Township of Montville, the Manasquan River Regional Sewerage Authority, the Cumberland Co. Utilities Authority, the Borough of Old Tappan, the Readington Lebanon Sewerage Authority, the Borough of Glen Rock, the Warren Township Sewerage Authority, the Borough of

Highlands, the Township of Denville, and the Logan Township Municipal Utilities Authority, as well as other appropriate Public Agencies within New Jersey; and

WHEREAS, all parties hereto have approved the within Agreement by Ordinance or Resolution as appropriate, in accordance with the aforesaid statute; and

WHEREAS, it is the desire of all parties to enter into such Agreement for said purposes;

NOW, THEREFORE, in consideration of the conditions hereinafter set forth, it is mutually agreed as follows:

1. The goods or supplies to be priced cooperatively may include Spare Parts, Instrumentation Equipment, Maintenance Chemicals, Motor Repair/Replacement, Mechanical Seals, Safety Equipment, Electrical Equipment, Laboratory Supplies, Bulk Chemicals and such other items as two or more participating contracting units in the system agree can be purchased on a cooperative basis, providing the PVSC consents to these other items.

The items and classes of items which may be designated by the participating contracting units hereto may be purchased cooperatively for the period commencing with the execution of this Agreement and continuing until terminated as hereinafter provided.

ADMINISTRATION AND OPERATION OF SYSTEM:

2. The PVSC, on behalf of all participating contracting units, at the beginning of participating in the NJWCPS, and during each January thereafter, shall publish a legal advertisement in such format as required by the State Division of Local Government Services in a newspaper normally used for such purposes by it to include such information as:

- (1) The name of the participating contracting units, and
- (2) The name of the Cooperative Pricing System soliciting competitive bids or informal quotations, and
- (3) The address and telephone number of the NJWCPS, and
- (4) The State Identification Code for the Cooperative Pricing System, and
- (5) The expiration date of the Cooperative Pricing Agreement.

3. The specifications shall be prepared and approved by the NJWPCS and filed as required by law, and no changes shall thereafter be made except as permitted by law. Nothing herein shall be deemed to prevent changes in specifications for subsequent purchases.

4. The NJWPCS may provide the Participating Units with the copies of the specifications at least thirty (30) days prior to seeking bids and will notify the Participating Contracting Units, in writing, of the item(s) on which it will seek bids. Fifteen (15) days prior to advertising, each of the participating contracting units shall designate, in writing, to the NJWCPS, the items to be purchased and indicate therein the approximate quantities desired, the location for delivery and other requirements, to permit the preparation and filing of specifications as provided by law.

The NJWPCS will call a meeting of all Participating Contracting Units each December in order to provide the participants with an opportunity to discuss the goods or services to be priced cooperatively and the terms of the specifications for the next calendar year.

5. A single advertisement for bids or the solicitation of informal quotations for the goods or services to be purchased shall be presented on behalf of all of the Participating Contracting Units desiring to purchase any item by the NJWPCS in the Cooperative Pricing System.

6. In seeking bids the NJWCPS will include in the specifications two categories upon which bids are sought: (a) the

NJWCPS's requirements, stated in definite quantities; and (b) the Participating Contracting Units, stated as an estimated total quantity of the needs of all the other Participating Contracting Units, which total shall not be exceeded in the aggregate by more than 20 percent of the total cost awarded for that Category. The specification for this category shall list the other Participating Contracting Units, their delivery address, their estimated maximum quantities and other relevant information to permit the bidder to understand what is potentially involved. The bids will contain: (1) a provision stating that contracts shall be in compliance with N.J.A.C. 5:30-5.5 (B), open-end contract rules; and (2) language requiring the bid price(s) to be stated so that it is uniform with respect to both categories (the NJWCPS and other Participating Contracting Units).

The provision with respect to the other contracting units category will allow the bidder to indicate if it is willing to provide the item(s) bid upon to other participating contracting units in the system; or if it is not willing to extend prices to other participating units in the systems.

7. The NJWCPS shall advertise for bids or the solicitation of informal quotations and shall receive bids or quotations on behalf of all Participating Contracting Units. Following the receipt of bids, the NJWCPS shall review said bids and on behalf of all Participating Contracting Units, either reject all or certain of the bids or make an award to the lowest responsible bidder or bidders for each separate item. This award shall result in the NJWCPS entering into a master contract with the successful bidder(s)
8. The NJWCPS shall enter into a formal written contract(s), when required by law, directly with the successful bidder(s) only after it has certified the funds available only for its own needs ordered. Each Participating Contracting Unit shall also certify the funds available only for its own needs ordered; enter into a formal written contract, when required by law, directly with the successful bidder(s); issue purchase orders in its own name directly to the successful bidder(s) against said contract; accept its own deliveries; be invoiced by and receive statements from the successful bidder(s); make payment directly to the successful bidder(s); and be responsible for any tax liability. No Participating Contracting Unit in the Cooperative Pricing System shall be responsible for payment for any items ordered or for performance generally, by any other Participating Contracting Units and shall accordingly be liable only for its own performance and for items ordered and received by it and none assumes any additional responsibility or liability. The provisions of this paragraph shall be quoted or referred to and sufficiently described in all advertisements for bids by the NJWCPS so that each bidder shall be on notice as to the respective responsibilities and liabilities of the Participating Contracting Units.

The NJWCPS shall supply the Participating Contracting Units with copies of the specifications, name of successful bidder, prices awarded and the contract identification number. Each Participating Contracting Unit may then order directly from that vendor by purchase order if under the appropriate statutory bid limit or by contract of the governing body or agency if over the appropriate statutory bid limit. The identification number shall be affixed to each purchase order or contract and shown on all forms pertaining thereto.

9. If the lowest responsible bidder declines to extend prices to the Participating Contracting Units all bids shall be rejected and no further bids will be sought by the NJWCPS on behalf of the Participating Contracting Units.
10. A bidder shall not be required or permitted to extend his bid prices to Participating Contracting Units unless he has voluntarily agreed to do so as part of his bid.
11. Nothing in this Agreement shall prevent any Participating Contracting Unit from awarding contracts of purchase, with or without advertising, individually and on its own behalf, provided, however, that invitations for such individual bids shall not be advertised, nor shall bids be received individually, during the period in which the NJWCPS is advertising for and receiving bids for the same goods or services, except in the case of emergency or hardship.
12. No purchase order or contract shall be issued by any Participating Contracting Unit for a price which exceeds any other price available to it from any other such system in which it is authorized to participate or from bids which it has itself received.
13. The NJWCPS reserves the right to exclude any goods or services from within said system if, in its opinion, the

pooling of purchasing requirements or needs of the Participating Contracting Units is either not beneficial or not workable.

ADMINISTRATIVE COSTS:

14. The PVSC shall bear all costs associated with administering the Cooperative Pricing system and bidding process including cost of advertising and administration and the Participating Contracting Units shall not be obligated for any part of such expenses.

DURATION AND TERMINATION:

15. This Agreement shall become effective the date executed, subject to the approval of the Director of the Division of Local Government Services and shall continue in effect for a period not to exceed five (5) years from said date or the term of the current approval unless any party to this Agreement shall give written notice of its intention to terminate its participation at least 30 days prior to the succeeding four (4) years. The NJWCPS may choose to terminate registration of the system no later than 30 days prior to the expiration date of the system. Renewal of the system will be in accordance with the provisions of N.J.A.C. 5:34-17.6, as may be amended.
16. This Agreement and the Cooperative Pricing System will not terminate nor be invalidated by the PVSC or the withdrawal or addition of any Participating Contracting Unit. However, this Agreement and the Cooperative Pricing System shall be terminable and invalidated at the instance of the NJWCPS upon written notice to the Participating Contracting Unit and without recourse against the NJWCPS for any reason or if continuance of the within system becomes unlawful for any reason.

DOCUMENTATION:

17. All records and documents maintained or utilized pursuant to the terms of this Agreement shall be identified by the code number assigned by the Director, Division of Local Government Services, and such other numbers as are assigned by the NJWCPS for purposes identifying each contract and item awarded.
18. This Agreement shall be binding upon and inure to the benefit of the successors and assigns of the respective parties hereto.
19. This Agreement may be executed in several counterparts, each of which, when so executed, shall be deemed to be an original, but such counterparts shall together constitute but one and the same instrument.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be signed and executed by their authorized corporate officers and their respective seals to be hereto affixed the day and year above written.

PASSAIC VALLEY SEWERAGE COMMISSION

BY: _____
GREGORY A. TRAMONTOZZI
EXECUTIVE DIRECTOR, PASSAIC VALLEY SEWERAGE COMMISSION

(SEAL)

ATTEST BY: _____
PASSAIC VALLEY SEWERAGE COMMISSION
MATTHEW F. MURRAY, CLERK

ATTEST: NORTH JERSEY WASTEWATER COOPERATIVE PRICING SYSTEM

By: _____
Passaic Valley Sewerage Commission

Date: _____

Additional signatures on next page

BOROUGH OF HIGHTSTOWN

BY: _____
Lawrence D. Quattrone, Mayor

(SEAL) ATTEST BY: _____
Margaret Riggio, Borough Clerk

Resolution 2022-103
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	325,800.00	1,274,907.00	1,600,707.00
Capital Outlay – Current	0.00	0.00	0.00
Debt Service – Current	0.00	0.00	0.00
Water/Sewer	100,000.00	342,705.00	442,705.00
Capital Outlay – W/S	0.00	0.00	0.00
Debt Service - W/S	0.00	0.00	0.00
TOTAL	425,800.00	1,617,612.00	2,043,412.00

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. 6
 5/16/2022

Current Fund

Collection of Taxes	Other Expenses	10,000.00
Tax Assessor	Other Expenses	1,800.00
Municipal Court	Other Expenses	15,000.00
Planning Board	Salaries and Wages	2,000.00
Planning Board	Other Expenses	12,000.00
Group Health Insurance	Other Expenses	50,000.00
Police	Salaries and Wages	130,000.00
First Aid	Other Expenses	1,000.00
Solid Waste	Salaries and Wages	25,000.00
Recycling	Other Expenses	15,000.00
Community Services Act	Other Expenses	10,000.00
Board of Health	Salaries and Wages	10,000.00
Parks and Recreation Maintenance	Salaries and Wages	5,000.00
Celebration of Public Events	Other Expenses	1,000.00
Street Lighting	Other Expenses	10,000.00
Telephone	Other Expenses	10,000.00
Gas/Heating	Other Expenses	3,000.00
Shared Service Roosevelt Trash Collection	Other Expenses	15,000.00
		<hr/>
Total Current Fund		325,800.00
		<hr/>
Water-Sewer Operating Fund		
Other Expenses		100,000.00
		<hr/>
Total Water Sewer Operating		100,000.00
		<hr/>
Total		425,800.00
		<hr/> <hr/>

Resolution 2022-104

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

AUTHORIZING REFUND OF TAX OVERPAYMENT – 540 SOUTH MAIN STREET

WHEREAS, an overpayment of 2022 taxes were made for Block 62/Lot 11, 540 South Main Street in the amount of \$2,683.23, by the home owner; and

WHEREAS, both the mortgage company and the homeowner paid second quarter taxes; and

WHEREAS, the homeowner, Gilbert T. & Rose M. Ward, 540 South Main Street, Hightstown, NJ 08520, has requested that a refund be issued for the overpayment in the amount of \$2,683.23; and

WHEREAS, the Tax Collector has requested that said overpayment be refunded in the amount of \$2,683.23.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Tax Collector and Finance Officer are hereby authorized to issue a refund in the amount of \$2,683.23 to Gilbert T. & Rose M. Ward, 540 South Main Street, Hightstown, NJ 08520, representing the tax overpayment as set forth herein.

DISCUSSION

Fluoride in drinking water

Mayor Quattrone explained that fluoride is a chemical added to our water which helps younger children with bone density and the enamel hardening of their teeth. But on the other end of the spectrum, it is not that good for older people. He continued to explain that it is a nasty chemical to work with. Our employees must suit and mask up to add the fluoride to the water.

Mr. Musing stated that the number one purpose in adding fluoride (fluorosilicic acid) to drinking water is to prevent cavities and strengthen teeth. The fluorosilicic acid is labeled as a hazardous substance by the State of New Jersey. It is also on the special health hazards substance list as it is a very corrosive material. The only positive benefit is its ability to prevent cavities. Discussion ensued. It was stated that our Health Officer and Board of Health recommend keeping the fluoride in the water at this time. After further discussion, Council would like additional information about the benefits and negative effects regarding the use of fluoride. They would like to hear from the Board of Health and the Water Department.

Special Event Permit

Ms. Riggio reviewed a draft ordinance for a Special Events Permits. Mayor Quattrone instructed Council to closely review the proposed ordinance and bring their questions and ideas back to Council.

MAYOR/COUNCIL/ADMINISTRATIVE REPORTS

Councilmember Fowler

Downtown Hightstown – The flower baskets will be placed downtown next week.

Memorial Day Parade – Takes place May 30th. All the planning is going smoothly.

Environmental Commission – The students that participated in the intern program will be presenting their findings at the RISE offices on May 25th at 6:00. The public is welcome to attend.

Harvest Fair – We are also celebrating Hightstown's 300 + 1 Anniversary. We are continuing to receive registration from artisans, crafters and live entertainment.

Councilmember Montferrat

Ward Street Bridge Committee – Working with Peggy to get information up on the website. Meeting minutes and updates. A specific email address is being established for residents to reach out with questions.

Councilmember Cicalese

Board of Health – There has been spike in Covid cases. Mercer County is now at an orange level. The Health Department will continue to monitor.

Parks and Rec - There was discussion about Fun Fridays and Dawes Park skate elements. There was also discussion regarding the roadways surrounding Dawes Park.

Councilmember Bluth

Cultural Arts Commission – Will be meeting this Wednesday.

Timeline of Wycoff Mills Road – Mr. Musing stated that we are waiting for the barriers to be delivered.

George Lang, CFO

2022 Budget – Just received the school boards tax levy today. He is continuing compiling the budget for Council's review.

Borough Administrator, Dimitri Musing

Pedestrian Beacon, Franklin Street – He has followed up with NJDOT and a Senior Engineer was on site today. We are waiting on the paperwork and contract from NJDOT.

Borough Clerk, Peggy Riggio

Public Pool Licenses – We have 4 public pools in town. They are working with the Health Department to renew their licenses for 2022-2023.

Parking Permits – Renewals are being sent out. The current licenses will expire June 30, 2022.

Stockton Street Parking Lot Cameras – The cameras have been received. Dave Bell is working on researching what we need for set up and cloud storage.

Mayor Quattrone

He is very happy with the Animal Control Ordinance.

He is extremely excited about the flower baskets being placed downtown. He gets many compliments every year about the hanging baskets.

EXECUTIVE SESSION

Resolution 2022-105 Authorizing a Meeting that Excludes the Public

Moved by Councilmember Montferrat; Seconded by Councilmember Fowler.

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

Resolution adopted 5-0.

Resolution 2022-105
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 May 16, 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:

Contract Negotiations – Recycling

Contract Negotiations – WMR, LLC 219 Wycoff Mills Road

Attorney Client Privilege

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 August 16, 2022, or when the need for confidentiality no longer exists.

The public is excluded from said meeting, and further notice is dispensed with, all in accordance with sections 8 and 4a of the Open Public Meetings Act.

Council adjourned to Executive Session.

Council returned to open session at 9:49 p.m.

ADJOURNMENT

Councilmember Montferrat moved to adjourn at 9:50 p.m; Seconded by Councilmember Bluth. All ayes.

Respectfully Submitted,



Margaret M. Riggio
Borough Clerk

Approved by Hightstown Borough Council: OCTOBER 4, 2022

APPENDIX 1

MEMORANDUM OF AGREEMENT BETWEEN THE BOROUGH OF HIGHTSTOWN AND OPEIU LOCAL 32, Blue and White Collar Units

Representatives of OPEIU Local 32 (Blue and White Collar Units) and the Borough of Hightstown agree to recommend the following modifications to the collective negotiations agreements with a term from January 1, 2019 through December 31, 2021:

Duration for new agreement – 4 years – January 1, 2022 through December 31, 2025.

Article VII. Discipline (Both units)

C. Revise to read as follows:

“Employees may request an interview with the Borough Administrator whenever disciplined.”

Article IX. Hours of Work

D. 3 Change word “draft” to “shift” (Blue Collar)

D.(White Collar) Add language at end of first sentence “.... of forty hours.”

K. 1. (White collar) change last three words to “straight time hourly rate.”

M. (Blue Collar) Revise to read as follows:

“Employees working beyond their normally scheduled workweek of forty (40) hours per week will be compensated at the overtime rate.”

Article X Salaries and Wages (both units)

D. 3. Change to read as follows:

“The Borough also has the discretion to increase an employee’s salary to a higher salary within the Borough’s salary scale based upon the performance of the employee.”

Wages

Employees in both bargaining units will receive wage increases as follows:

Retroactive to January 1, 2022	-	3%
January 1, 2023	-	3%
January 1, 2024	-	3%
January 1, 2025	-	3%

Article X. E. (Blue Collar)

The stipend for the first license will be increased to \$2500 and increased to \$1500 for each additional license up to a cap of \$7,000.

Article X, Section F. (Blue Collar)

The on-call stipend will be increased to \$100 effective upon the date of ratification of the new collective negotiations agreement.

Article XII Vacations (Both units)

A. Add new provision:

Bargaining unit members will receive an additional five (5) days of vacation for employees after 25 years of employment with the Borough.

F. Change to read as follows:

“ An employee who terminates his employment with the Borough, or whose employment is terminated by the Borough, shall be entitled to be paid for vacation time accrued during that calendar year but not yet taken, on a pro-rata basis. However, any such employee shall forfeit his right to such monies if he or she fails to provide two (2) weeks advance written notice to his/her department head of the resignation or is terminated for cause. ”

Article XV. Sick Leave

J. Delete entire provision.

Article XVIII. Injury Leave (Blue Collar unit)

D. In second sentence change the word “may” to “shall” .

Article XXI. Union Leave (both units)

Add words “in writing” after word “notice” in the second sentence.

Article XXII Leave of Absence Without Pay (both units)

- A. Add word "Administrator" after "Borough" in the first sentence.

- D. Change the words "respective Department Head" to "Borough Administrator"

Article XXVI Bulletin Board (both units)

- C. change the word "may" to "shall"

Article XXX. Layoff and Recall (both units)

- C 1. Replace the words "has a right to consider relocating" to "may apply for"

Article XXXVII Duration (Both units)

Add language at end of second paragraph:

" However, all salaries shall remain frozen from the date of expiration of this agreement until a new collective negotiations agreement is approved and ratified."

The complete agreement is subject to ratification by the OPEIU Blue and White Collar Bargaining Units and approval by the Borough's governing body.

FOR OPEIU Local 32

Blue and White Collar Units


Enrique Martinez

4/26/2022

FOR BOROUGH OF HIGHTSTOWN


Dimitri Musing, Borough Administrator

4/26/22