

Meeting Minutes
Hightstown Borough Council
July 18, 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 and George Lang, CFO

The Flag Salute followed roll call.

APPROVAL OF AGENDA

Moved by Councilmember Cicalese; Seconded by Councilmember Jackson.

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

Agenda approve 6-0.

PUBLIC COMMENT

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

Eugene Sarafin, 628 South Main Street – Stated that he is happy see democracy in Hightstown. The federal government is owned by industries.

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

MUNICIPAL CONSENT HEARING - COMCAST FRANCHISE RENEWAL

Mr. Raffetto reviewed Comcast’s renewal application and introduced Robert Clifton of Comcast. Mr. Raffetto explained that the Borough will need to adopt a municipal consent ordinance which will allow Comcast municipal rights of way. This is a non-exclusive contract and any cable provider can seek the same rights. They are looking for a 10-year renewal term and the fee will be 3.5% of their gross revenues.

Mayor Quattrone opened the Public Hearing and the following individuals spoke:

Eugene Sarafin, 628 South Main Street – Stated that he does not like Hightstown is considered the Philadelphia Market; he would like to be part of the New York Market. Mr. Clifton explained that he will look into this but it is determined on demographics.

Michele Epstein, 421 North Main Street – Questioned what other municipalities are being paid and can Hightstown receive a higher rate. Mr. Clifton explained that the 3.5% is the highest percentage paid to any municipality. To receive a higher percentage, we would need to show cause for the increase.

There being no further comments, Mayor Quattrone closed the Municipal Consent Public Hearing, at 6:58 p.m.

Discussion ensued. By a unanimous straw vote, Council decided that they will move ahead with the Comcast renewal. A resolution will be placed on a future agenda and a municipal consent ordinance will be forthcoming.

BUDGET 2022

Introduction of 2022 Budget

Moved by Councilmember Fowler; Seconded by Councilmember Cicalese.

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

Budget Introduced 6-0.

Public Hearing Scheduled for August 15, 2022.

RESOLUTIONS

Resolution 2022-138 Authorizing Payment of Bills

Moved by Councilmember Montferrat; Seconded by Councilmember Jackson.

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

Resolution adopted 6-0.

Resolution 2022-138

*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 \$198,234.41 from the following accounts:

Current		\$108,742.23
W/S Operating		31,951.81
General Capital		47,938.37
Water/Sewer Capital		1,200.00
Grant		0.00
Trust		275.00
Unemployment Trust		0.00
Animal Control		250.00
Law Enforcement Trust		0.00
Tax Lien Trust		0.00
Public Defender Trust		158.00
Housing Trust		0.00
Escrow		<u>7,719.00</u>
Total		<u>\$198,234.41</u>

CONSENT AGENDA

Councilmember Cicalese moved Resolutions 2022-139; 2022-140 and 2022-141 as a Consent Agenda; Councilmember Bluth seconded.

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

Resolutions adopted 6-0.

Resolution 2022-139

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

**RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND
OPEN CONTRACT FOR BACKUP LICENSED WASTEWATER
OPERATOR SERVICES AT THE ADVANCED WASTE WATER
TREATMENT PLANT (AWWTP)**

WHEREAS, the Borough of Hightstown has a need to acquire a back up operator at the AWWTP as a non-fair and open contract pursuant to the provisions of *N.J.S.A. 19:44A-20.4*; and,

WHEREAS, the Purchasing Agent has determined and certified in writing that the value of the acquisition may exceed \$17,500; and,

WHEREAS, the anticipated term of this contract is 17 months and may be extended for one (1) two (2) year agreement as approved by Borough Council; and

WHEREAS, DeBlock Environmental Services, LLC has submitted a proposal dated June 30, 2022, indicating they will provide the Backup Licensed Wastewater Operator Services at a monthly rate of \$500 and billed at an hourly rate \$150 of actual hours worked; and

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

NOW THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Hightstown authorizes the Borough Administrator to enter into a contract with DeBlock Environmental Services, LLC as described herein; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

Resolution 2022-140

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

**APPOINTING A BOROUGH ADMINISTRATOR AND AUTHORIZING THE
EXECUTION OF AN EMPLOYMENT AGREEMENT ASSOCIATED THEREWITH.**

WHEREAS, Section 2-9-3 of the *Revised General Ordinances of the Borough of Hightstown* provides that “The Administrator shall be appointed by the Mayor with the advice and consent of the Council and shall serve at the pleasure of the Mayor and Council”; and

WHEREAS, it is the desire of the Mayor to appoint Dimitri Musing of Hightstown, New Jersey to serve as Borough Administrator for the time period from September 1, 2022 through August 31, 2025; and

WHEREAS, specific terms and conditions of employment have been set forth in the attached written Employment Agreement, and said Agreement is hereby approved by the Borough Council.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Hightstown that the Mayor’s nomination of Dimitri Musing of Hightstown, New Jersey to serve as the Borough Administrator for the Borough for the term indicated above is hereby ratified and confirmed.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute, and the Borough Clerk is hereby authorized to attest, the attached Employment Agreement on behalf of the Borough.

Appendix “A” attached hereto and made part thereof.

Resolution 2022-141

*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	185,300.00	1,941,602.00	2,126,902.00
Capital Outlay – Current	0.00	0.00	0.00
Debt Service – Current	0.00	0.00	0.00
Water/Sewer	178,870.00	734,705.00	913,575.00
Capital Outlay – W/S	0.00	0.00	0.00
Debt Service - W/S	0.00	0.00	0.00
TOTAL	364,170.00	2,676,307.00	3,040,477.00

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
7/5/2022

SCHEDULE A

Current Fund

Finance	Salaries and Wages	8,000.00
Data Processing	Other Expenses	10,000.00
Tax Collector	Salaries and Wages	10,000.00
Tax Assessor	Salaries and Wages	5,000.00
Legal	Other Expenses	15,000.00
Police	Salaries and Wages	75,000.00
Emergency Management	Salaries and Wages	1,000.00
Fire Department	Other Expenses	5,000.00
Recycling	Salaries and Wages	25,000.00
Board of Health	Salaries and Wages	6,000.00
Board of Health	Other Expenses	2,000.00
Parks and Recreation	Salaries and Wages	5,000.00
Gasoline	Other Expenses	5,000.00
Housing	Other Expenses	800.00
Recycling Tax	Other Expenses	500.00
Social Security	Other Expenses	12,000.00
		<hr/>
Total Current Fund		185,300.00

Water-Sewer Operating Fund

Salaries and Wages	40,000.00
Other Expenses	50,000.00
I Bank Loan Payments	88,870.00
	<hr/>
Total Water Sewer Operating	178,870.00

Total	<u>364,170.00</u>
-------	-------------------

DISCUSSION

Amending No Parking Ordinance

Mr. Musing stated that this was brought to his attention by the Chief of Police. Chief Gendron has authority to institute no parking when needed. This will allow the Chief to remove no parking when needed. Discussion ensued. Council agreed with the need for this ordinance and everyone was comfortable with introducing this evening.

Ordinance 2022-15 First Reading and Introduction An Ordinance Amending and Supplementing Section 7-1-14, Entitled “Parking Prohibited at All Times on Certain Streets,” of Article 7-1, “On-Street Traffic Regulations,” of Chapter 7, “Traffic”, of the “The Revised General Ordinances of the Borough of Hightstown”

Moved by Councilmember Cicalese; Seconded by Councilmember Fowler.

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

Ordinance Introduced 6-0.

Public Hearing scheduled for August 1, 2022.

ORDINANCE 2022-15

BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 7-1-14, ENTITLED “PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS,” OF ARTICLE 7-1, “ON-STREET TRAFFIC REGULATIONS,” OF CHAPTER 7, “TRAFFIC,” OF “THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN”

WHEREAS, the Borough of Hightstown (the “Borough”) has previously established certain traffic regulations within the Borough; and

WHEREAS, the previous regulations as referenced above, which are codified in Chapter 7 of the Borough Code, shall be collectively referenced herein as the “prior traffic regulations”; and

WHEREAS, the Mayor and Borough Council have determined to revise the prior traffic regulations as set forth herein.

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

Section 1. That the prior traffic regulations are hereby revised as set forth in more detail herein.

Section 2. That Section 7-1-14, entitled “Parking Prohibited at All Times on Certain Streets,” of Article 7-1, “On-Street Traffic Regulations,” of Chapter 7, “Traffic,” of “The Revised General Ordinances of the Borough of Hightstown” (the “Borough Code”), is hereby amended and supplemented in certain limited respects as follows (additions are shown with underline):

§ 7-1-14. Parking Prohibited at All Times on Certain Streets.

No person shall park a vehicle at any time upon any streets or parts thereof described. Notwithstanding the same, the Chief of Police shall be authorized in his/her sole discretion to permit parking where it is otherwise prohibited pursuant to this Section, on a temporary basis, in circumstances where deemed necessary in furtherance of the health, safety and welfare of the residents of the Borough and/or to facilitate the operational needs of the Borough.

Name of Street	Side	Location
Academy Street	North	Mercer Street to easternmost Post Office driveway
Academy Street	North	Railroad Avenue to 100 feet east
Academy Street	North	For a distance of 170 feet west of Mercer Street
Academy Street	South	Mercer Street to Railroad Avenue
Academy Street	East	From Park Avenue to Stockton Street
Academy Street	East	From Rogers Avenue to Railroad Avenue
Academy Street	East	From Stockton Street to Rogers Avenue
Academy Street	West	From Park Avenue to Grant Avenue
Bank Street	North	From North Main Street to Mechanic Street
Bank Street	North	From the westerly curbline of the driveway entrance of the water plant, a distance of 30 feet east and 30 feet west
Bank Street	South	From North Main Street to Academy Street

Center Street	West	From Stockton Street to Morrison Avenue
Church Street	East	From Rogers Avenue to Stockton Street
Clinton Street	North	From Cole Avenue to Maxwell Avenue
Clinton Street	South	From the westerly curbline of Cole Avenue for a distance of 70 feet east
Cole Avenue	Both	From Franklin Street to Clinton Street
Cranbury Station Road [5-2-2022 by Ord. No. 2022-08]	Both	From Monmouth Street to Wyckoff Mills Road
Dutch Neck Road	North	From the southerly curbline of Stockton Street 665 feet southwesterly
Dutch Neck Road	Southeast	From Gilman Place to Stockton Street
Etra Road	Both	From South Main Street to the Borough line
First Avenue	North	From Outcalt Street to Joseph Street
Forman Street	West	From the southerly curbline of Stockton Street for 205 feet south
Grape Run Road	North	From Westerlea Avenue to Pershing Avenue
Grape Run Road	South	From the easterly curbline of Westerlea Avenue to a point 120 feet east
Grape Run Road	Both	From Westerlea Avenue to Mercer Street
Hagemount Avenue	West	From Lincoln Avenue to Rocky Brook Court
Harron Avenue	East	From Stockton Street to Morrison Avenue
Hutchinson Street	East	From Grant Avenue to Park Avenue
Joseph Street	East	From Stockton Street to Second Avenue
Leshin Lane	North	From a point 50' west of the western side of the driveway of 16 Leshin Lane to Westerlea Avenue
Leshin Lane	South	From a point 50' west of the western side of the driveway of 17 Leshin Lane to Westerlea Avenue
Lincoln Avenue	North	Between Hagemount Avenue and Hutchinson Street
Monmouth Street	North	From North Main Street to a point opposite the east curbline of Broad Street
Monmouth Street	South	From the east curbline of Manlove Avenue 652.67 feet east
Monmouth Street	South	From Pennsylvania Railroad to Broad Street
North Main Street	East	From the northerly curbline of Franklin Street to a point 80 feet north
North Main Street	West	From a point 239.5 feet north of the north curbline of Stockton Street to a point 242 feet north
North Main Street	North	From Monmouth Street to Sunset Avenue
North Main Street	South	From the Borough Line to Monmouth Street
Oak Lane	East	From Stockton Street to the north curbline of Lincoln Avenue; thence from Lincoln Avenue for 397 feet north
Oak Lane	West	From the northerly curbline of Stockton Street to a point 450 feet north
Outcalt Avenue	East	For a distance of 50 feet north or south of the First Avenue and Second Avenue intersections
Outcalt Street	West	From Rogers Avenue to Morrison Avenue
Park Avenue	South	From the westerly curbline of Academy Street to a point 50 feet west
Pershing Avenue	West	From Grape Run Road to South Street
Purdy Street	East	From Bank Street to Reed Street

Railroad Avenue	East	From Stockton Street to Academy Street
Railroad Avenue	West	From Stockton Street to Rogers Avenue
Reed Street	North	From Mechanic Street to Rev. Powell Drive
Rev. Powell Drive	East	From Reed Street to Chamberlin Avenue
Rogers Avenue	North	From Stockton Street to Mercer Street
Second Avenue	North	From Outcalt Street to Joseph Street
Second Avenue	North	From Summit Street to Joseph Street
South Main Street	West	From Ward Street to Mercer Street
South Street	North	From Mercer Street to South Main Street
Stockton Street	North	From Mercer Street to South Main Street for 199 feet west
Stockton Street	South	From Main Street to the west curbline of Dutch Neck Road; thence on Dutch Neck Road for 624 feet
Ward Street	North	From Mercer Street to South Main Street
Ward Street	North	From the easterly curbline of South Main Street to a point 793.25 feet east
Ward Street	South	From the southeasterly curbline of Mercer Street to a point 57 feet east
Ward Street	South	From the easterly curbline of South Main Street to a point 2,241 feet east
Westerlea	West	Leshin Lane to Grape Run Road

Section 3. That all other provisions of Section 7-1-14 of the Borough Code which are not referenced with underline in Section 2 of this Ordinance shall remain unaffected/unchanged and remain in full force and effect.

Section 4. That all parts and provisions of any Ordinance which are inconsistent with the provisions of this Ordinance shall be repealed to the extent of such inconsistency.

Section 5. That the provisions of this Ordinance shall be severable. 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 the portion of the Ordinance actually adjudged invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.

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

SUBCOMMITTEE REPORTS

East Ward Street Bridge Committee

Councilmember Montferrat stated that the committee meets twice a month and they are making some head way.

Borough Hall The subcommittee has met with the architect and reviewing the plans.

MAYOR/COUNCIL/ADMINISTRATIVE REPORTS

Councilmember Cicalese

Board of Health – There was no Board of Health meeting this month.

Parks and Recreation – Fun Fridays are back and have been successful.

Councilmember Fowler

Environmental Commission – Meets next week.

Downtown Hightstown – Have been promoting events that will be taking place downtown.

Councilmember Misiura

Attended Theatre in the Park. They are still doing a great job with the program. It's nice to see it continuing.

Councilmember Jackson

HPC – Will meet this Thursday.

Councilmember Bluth

Fun Friday was another success. It was even better this month than last.

Borough Clerk, Peggy Riggio

9-8-8 Hotline – Became the nationwide 3-digit dialing code for crisis and suicide prevention. This replaced the 800 number previously in effect.

Parking Permits – Are available for qualified individuals.

9/11 Freedom Bike Ride – Will once again be coming through Hightstown. Further details will be forthcoming.

East Ward Street Bridge – Flood Hazard Area Individual Permit Freshwater Wetlands General Permit No. 108 Water Quality Certificate was received today in the Clerk's Office.

Borough Administrator, Dimitri Musing

9/11 Freedom Ride – a Resolution will be done supporting this event.

Dawes Park Summer Camp – Larry Gunnell is still running this program. He had not found a replacement and will continue running the program until a suitable replacement is found.

Turn the Town Teal – teal ribbons will be placed downtown during the month of September for awareness of Ovarian Cancer.

EXECUTIVE SESSION

Resolution 2022-142 Authorizing a Meeting that Excludes the Public

Moved by Councilmember Fowler; Seconded by Councilmember Bluth.

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

Resolution adopted 6-0.

Resolution 2022-142
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 July 18, 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 – East Ward Street Bridge

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 October 18, 2022, or when the need for confidentiality no longer exists.

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

Council adjourned to executive session at 7:31 pm

Council returned to public session at 8:07 pm

ADJOURNMENT 8:08 p.m.

Moved by Councilmember Montferrat; Seconded by Councilmember Fowler. All ayes.

Respectfully Submitted,



Margaret Riggio
Borough Clerk

Approved by Hightstown Borough Council: October 17, 2022

APPENDIX "A"
EMPLOYMENT AGREEMENT

THIS AGREEMENT, made this 18th day of July, 2022, by and between Dimitri Musing (also referenced herein as “Mr. Musing” or the “Administrator”) and the Borough of Hightstown (also referenced herein as the “Borough”), a municipal corporation of the State of New Jersey, as to the terms and conditions of employment for Mr. Musing with the Borough as follows (Mr. Musing and the Borough shall collectively be referenced herein as the “Parties”):

1. **Position.** The Borough agrees to employ Mr. Musing as the Borough’s Administrator, in a full-time capacity, for the term referenced herein. Such appointment shall be subject to all of the provisions of applicable law, including but not limited to N.J.S.A. 40A:9-136 through N.J.S.A. 40A:9-138; N.J.S.A. 40A:60-1, *et seq.*, and all applicable provisions of the *Revised General Ordinances of the Borough of Hightstown* (also referenced as the “Borough Code”), which are not in contradiction to or in contravention of the statutes cited herein. Subject to the supervision and pursuant to the orders and directions of the Mayor and/or Borough Council and in accordance with any job description promulgated by the Borough, as may be amended from time to time, the Administrator shall perform all the duties prescribed for such position by relevant law, Borough Code, Borough Personnel Policies, as well as all those customarily performed by one holding the position of Administrator in a municipality governed under the Borough form of government.

2. **Term of Agreement.** Subject to all of the provisions of N.J.S.A. 40A:9-138 and, if applicable, the Borough Code and further provisions of this Agreement, this Agreement shall

govern the terms and conditions of employment for the Administrator covering the time period from September 1, 2022, through August 31, 2025.

3. **Manner and Performance of Administrator's Duties.** Mr. Musing agrees that he will, at all times during this Agreement, abide by all of the provisions of applicable State, County and local statutes, laws, rules and regulations; and he will perform all of the duties and responsibilities of the position of Administrator in a faithful and industrious manner, pursuant to the express and/or implicit terms of this Agreement and all applicable statutes, laws, rules and regulations.

4. **Compensation / Salary.** Mr. Musing's salary shall be paid at an annual rate of \$135,000 effective September 1, 2022. Effective September 1, 2023, Musing's full salary will be paid at an annual rate of \$139,050. Effective September 1, 2024, Musing's salary with the Borough shall be paid at an annual rate of \$143,221.50.

5. **Hours of Employment.** The Administrator shall work the normal hours of operation of the Municipal offices. In addition, the Administrator shall attend any and all Governing Body and/or other meetings which the Administrator shall be required/requested to attend without any additional compensation as it relates to salary and/or overtime and/or any other emoluments/time off.

6. **Health Benefits.** The Administrator shall receive health benefits as provided in general to non-union employees in the Borough. In addition, Musing will be covered by all the provisions of Ch. 78, Pl. 2011. The premium contributions toward his benefits in the amounts calculated in P.L. 2011, Chapter 78 will remain the same for the duration of the agreement even if Chapter 78 sunsets.

7. **Non Applicability of Overtime.** The Administrator and the Borough agree that the Administrator's position is an exempt position from any maximum hour requirements found under State and/or Federal law and, accordingly, the Administrator shall not be paid any overtime and/or any extra compensation above that which is explicitly stated in this Agreement.

8. **Paid Leave Days.** The Administrator shall receive paid time off in the form of fifteen (15) calendar vacation days a year and sick, personal time as permitted and allowed in the Borough ordinances and/or the Borough's personnel Policy, whichever is applicable. The Administrator will be eligible to sell back up to 100% of his annual vacation time. The payments will be made at the salary rate for the year in which the time was accrued. The Administrator shall receive the allotment of paid leave days as stated in the Borough's Personnel Policy Manual, as amended from time to time, commensurate with the Administrator's years of service with the Borough, for holidays, sick leave, vacation leave, bereavement leave, jury leave and/or personal leave. Such leave will be subject to the conditions found in the respective sections of the Borough Personnel Policy Manual to the extent that those conditions apply to the position of the Administrator. The Administrator will receive any other leave, such as Family Leave (State), Family Medical Leave (Federal) and military leave, as provided by law. Irrespective of the provisions above, the Borough agrees that the Administrator shall be allotted fifteen (15) annual vacation days for the period of September 1, 2022 through August 31, 2025.

9. **Professional Development.** The Administrator shall attend professional development seminars and/or conferences pursuant to the Borough's Personnel Policy Manual, as amended from time to time. If found beneficial to the Borough, then Mr. Musing shall be eligible for reimbursement for the costs associated with any professional development courses, seminars,

etc., attended in accordance with the Borough's Personnel Policy Manual, as amended from time to time.

10. **Reimbursement of Expenses.** The Administrator shall be reimbursed for all reasonable expenses incurred specifically on behalf of the Borough pursuant to the Borough's Personnel Policy Manual, as amended from time to time.

11. **Termination of Agreement.** The Borough may terminate this Agreement and the Administrator's appointment at any time prior to the expiration of the term set forth in Section 2 herein, in accordance with the provisions of N.J.S.A. 40A:9-138 and applicable Borough ordinances.

12. **Termination by Employee.** The Administrator may terminate this Agreement at any time prior to the expiration of the term and shall provide a minimum of sixty (60) calendar days' notice of his intention to resign from the position of Administrator.

13. **Non-applicability of other Policies/Agreements.**

The Administrator agrees and acknowledges that the provisions set forth in the documents identified below are applicable to his position:

(A) The Hightstown Borough Code; and, no other documents, collective bargaining agreements or other agreements shall apply.

(B) The Hightstown Borough Personnel Policy Manual.

14. **Entire Agreement.** This Agreement contains the sole and entire Agreement between the Administrator and the Borough and shall supersede any and all other Agreements between the Administrator and the Borough as it relates to the position of Administrator. There are no agreements, representations and/or warranties, whether they be express or implied, except as set forth in this Agreement. This Agreement may not be canceled, changed, modified or

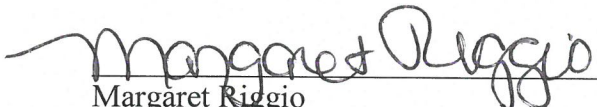
amended orally. No change, modification or amendment hereof shall be effective or binding unless in a written instrument signed by the Administrator and the Borough. Cancellation of this Agreement can occur at any time pursuant to law.

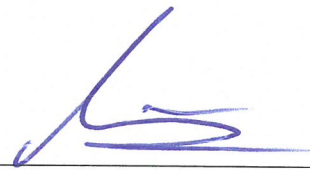
15. **Waiver.** No waiver of any provision of this Agreement shall be valid unless in writing and signed by the person or party against whom the same is applicable.

16. **Controlling Law.** All of the terms, conditions and other provisions of this Agreement shall be interpreted and governed by the laws of the State of New Jersey.

17. **Interpretation and Severability.** If any term or provision of this Agreement shall, to any extent, be deemed invalid or unenforceable by a court of competent jurisdiction, the remainder of the Agreement shall not be affected thereby, and each remaining term and provision of this Agreement should be valid and enforceable to the extent permitted by law.

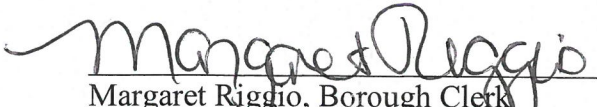
ATTEST:

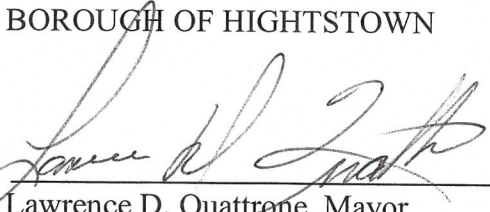

Margaret Riggio


Dimitri Musing

Dated: 7/21/2022

ATTEST:


Margaret Riggio, Borough Clerk

BOROUGH OF HIGHTSTOWN
By: 
Lawrence D. Quattre, Mayor

Dated: 7/20/2022