

Meeting Minutes
Hightstown Borough Council
August 15, 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 Misiura.

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

Agenda approved 5-0.

APPROVAL OF MINUTES

Councilmember Montferrat moved to approved minutes from the following meetings:

- March 24, 2022 – Budget Workshop
- March 31, 2022 – Budget Workshop
- April 4, 2022 – Public Session
- April 4, 2022 – Executive Session
- April 18, 2022 – Public Session
- April 18, 2022 – Executive Session

Councilmember Fowler second.

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

Minutes approved 5-0.

PUBLIC COMMENT

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

Eugene Sarafin, 628 South Main - Spoke against the Republican Party.

Heather Morgan, 131 Monmouth Street – Thanked Council for allowing parking on Monmouth Street.

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

ORDINANCES

Ordinance 2022-16 Final Reading and Public Hearing An Ordinance to Establish Salary Ranges for Certain Officers and Employees of the Borough of Hightstown

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

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

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

Moved for adopted by Councilmember Bluth; Seconded by Councilmember Montferrat

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

Ordinance adopted 5-0.

Ordinance 2022-16

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

AN ORDINANCE TO ESTABLISH SALARY RANGES FOR CERTAIN OFFICERS AND EMPLOYEES OF THE BOROUGH OF HIGHTSTOWN

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

Section 1. The following official employment designations are hereby confirmed and the rate of compensation of each officer and employee of the Borough of Hightstown, excluding longevity, whose compensation shall be on an annual basis, is:

	RANGING FROM:	TO:
Mayor	\$5,800.00	\$5,800.00
Councilmember	\$4,600.00	\$4,600.00
Borough Administrator	\$30,000.00	\$145,000.00
Borough Clerk	\$40,000.00	\$87,000.00
Deputy Borough Clerk	\$30,000.00	\$69,000.00
Computer Systems Administrator	\$3,000.00	\$7,000.00
Qualified Purchasing Agent (QPA)	\$12,000.00	\$20,000.00
Registrar of Vital Statistics	\$2,500.00	\$6,000.00
Deputy Registrar of Vital Statistics	\$1,000.00	\$5,000.00
Chief Financial Officer	\$2,000.00	\$56,000.00
Deputy Chief Financial Officer	\$10,000.00	\$75,000.00
Accounts Payable Clerk	\$30,000.00	\$64,000.00
Tax/Water/Sewer Collector	\$20,000.00	\$84,000 .00
Part-Time Tax/Water/Sewer Collector	\$10,000.00	\$27,000.00
Deputy Tax/Water/Sewer Collector	\$10,000.00	\$69,000.00
Tax/Utility Clerk	\$7,000.00	\$54,000.00
Tax Assessor	\$7,500.00	\$22,000.00
Municipal Magistrate	\$30,000.00	\$54,000.00
Police Chief	\$120,000.00	\$167,000.00
Records Management and System Administrator and Administrative Assistant to the Police Department	\$32,000.00	\$65,000.00
Planning Board Secretary	\$1,000.00	\$27,000.00
Technical Assistant	\$28,000.00	\$43,000.00
Construction Code Official	\$18,000.00	\$38,000.00
Fire Subcode Official	\$3,500.00	\$9,000.00
Building Subcode Official	\$3,500.00	\$9,000.00
Building Inspector	\$3,500.00	\$6,000.00
Zoning Official	\$6,000.00	\$13,000.00
Superintendent of Public Works	\$50,000.00	\$130,000.00
Assistant Superintendent of Public Works	\$50,000.00	\$71,000.00
Water Plant Superintendent (Part-Time)	\$10,000.00	\$27,000.00

	RANGING FROM:	TO:
Senior Water Plant Operator	\$35,000.00	\$85,000.00
Superintendent of AWWTP	\$50,000.00	\$130,000.00
Assistant Superintendent of AWWTP	\$45,000.00	\$96,000.00
Lab Manager – AWWTP	\$35,000.00	\$85,000.00
Health Officer	\$8,000.00	\$16,000.00
Secretary Board of Health	\$100.00	\$2,000.00
OEM Coordinator	\$2,000.00	\$ 12,000.00

Section 2. The following official employment designations are hereby confirmed and the rate of compensation of each officer and employee of the Borough of Hightstown, whose compensation shall be on an hourly basis, is:

	RANGING FROM:	TO:
Payroll/Benefits Specialist	\$15.00	\$36.00
Executive Administrative Assistant	\$15.00	\$40.00
Administrative Assistant	\$15.00	\$36.00
Public Health Nurse	\$25.00	\$48.00
Senior Public Health Nurse	\$39.00	\$50.00
Special Officer I	\$8.00	\$20.00
Special Officer II	\$18.00	\$32.00
Public Works Foreman	\$17.00	\$43.00
Public Works Heavy Equipment Operator	\$16.00	\$43.00
Public Works Automated Vehicle Operator	\$16.00	\$38.00
Public Works Driver/Laborer	\$15.00	\$38.00
Public Works Laborer	\$14.00	\$38.00
Public Works Municipal Building Maintenance	\$8.00	\$38.00
Public Works Mechanic	\$16.00	\$38.00
Seasonal/Temporary Labor	\$10.00	\$22.00
Assistant Water Plant Operator	\$15.00	\$27.00
Water Plant Operator	\$25.00	\$38.00
Water Plant Lead Operator	\$40.00	\$54.00

	RANGING FROM:	TO:
AWWTP Maintenance	\$16.00	\$32.00
AWWTP Operator	\$15.00	\$32.00
Recreation Director (part-time)	\$20.00	\$45.00
Assistant Recreation Director (part-time)	\$8.00	\$22.00
Junior Recreation Counselor (part-time)	\$6.00	\$16.00
Housing Inspector	\$14.00	\$38.00
Fire Inspector	\$14.00	\$38.00
Building Inspector	\$14.00	\$38.00
Code Enforcement Officer	\$15.00	\$38.00
Fire Officer	\$14.00	\$38.00
Zoning Official	\$14.00	\$38.00
Electric Subcode Official	\$14.00	\$54.00
Plumbing Subcode Official	\$14.00	\$54.00

Section 3. The following official employment designations are hereby confirmed and the rate of compensation of each officer and employee of the Borough of Hightstown, whose compensation shall be on a daily basis, is:

	RANGING FROM:	TO:
School Crossing Guard	\$50	\$75

Section 4. This Ordinance shall take effect after final passage and publication as provided by law.

Section 5. The salary ranges established in this ordinance supersede any established for the same positions in previous salary ordinances and will remain in effect until changed by the adoption of a new or amending Salary Ordinance.

Ordinance 2022-17 First Reading and Introduction An Ordinance Amending and Supplementing Article 15-2, Entitled “Administration and Enforcement of Chapter 15, “Fire Prevention and Protection” of “The Revised General Ordinances of the Borough of Hightstown”

Moved by Introduction by Councilmember Fowler; Seconded by Councilmember Cicalese.

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

Ordinance introduced 5-0.

Public Hearing scheduled for September 6, 2022

ORDINANCE 2022-17

BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY

**AN ORDINANCE AMENDING AND SUPPLEMENTING ARTICLE 15-2,
ENTITLED “ADMINISTRATION AND ENFORCEMENT,”
OF CHAPTER 15, “FIRE PREVENTION AND PROTECTION,”
OF “THE REVISED GENERAL ORDINANCES OF THE
BOROUGH OF HIGHTSTOWN”**

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

WHEREAS, per the recommendation of the Borough’s Fire Official, the Borough Council wishes to make certain revisions to the existing fire prevention and protection regulations.

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

Section 1. Article 15-2, entitled “Administration and Enforcement,” of Chapter 15, “Fire Prevention and Protection,” of “The Revised General Ordinances of the Borough of Hightstown,” is hereby amended and supplemented in the following respects (additions are shown with underline; deletions are shown with ~~strikeout~~):

Article 15-2. Administration and Enforcement

§ 15-2-1. Definitions.

LIFE HAZARD USE

The premises and uses identified in the New Jersey Uniform Fire Code at N.J.A.C. 5:70-2.4, 2.4A, 2.4B, 2.4C and 2.4D, respectively, as may be amended from time to time.

NON-LIFE HAZARD USE

All other premises and uses which do not meet the definition of Life Hazard Use.

§ 15-2-~~2~~. Uniform Fire Safety Act; Fire Prevention Code.

Pursuant to N.J.S. 52:27D-202 of the Uniform Fire Safety Act, the New Jersey Uniform Fire Code, N.J.A.C. 5:70-1, et seq., and the Fire Prevention Code are hereby adopted and shall be locally enforced throughout the Borough.

§ 15-2-~~23~~. Local Enforcing Agency Designated.

The local enforcing agency shall be the Bureau of Fire Safety.

§ 15-2-~~34~~. Enforcement; Bureau of Fire Safety.

The Fire Official shall be responsible for the enforcement of the Fire Prevention Code of the Borough. To assist in the performance of the responsibilities and duties placed upon the Fire Official, a Bureau of Fire Safety is hereby created consisting of the Fire Official and such other fire inspectors as may be designated as set forth in § 15-2-4.

§ 15-2-~~45~~. Fire Official; Fire Inspectors.

A. Fire Official. The Bureau shall operate under the direct supervision and control of the Fire Official. The Fire Official shall be responsible for the direct administration and enforcement of the Fire Prevention Code.

B. Fire Inspectors. Upon recommendation of the Fire Official, the Mayor and Council may designate such number of fire inspectors as shall from time to time be deemed necessary. Such fire inspectors shall be selected through an examination to determine their fitness for the position.

§ 15-2-56. Inspections of Non-Life Hazard Uses.

~~The Bureau of Fire Safety shall enforce the State Uniform Fire Safety Act and regulations promulgated pursuant thereto and the Fire Prevention Code in all structures and premises, except one family and two family dwellings, and buildings owned or operated by the Federal government or State and interstate agencies, provided that common areas, storage and mechanical areas and other areas not used as dwellings in multifamily structures shall also be subject to inspection. Inspections shall be made as often as necessary for the purpose of ascertaining and causing to be corrected any conditions liable to cause a fire or any violations of the provisions of the Fire Prevention Code or any other ordinance affecting fire hazards. The Fire Official or other qualified fire inspector shall inspect each structure covered by this article at least annually.~~

The Bureau of Fire Safety shall inspect all buildings, structures or premises not listed as life hazard uses (referred hereafter as non-life hazard uses), with the exception of owner-occupied detached one- and two-family dwellings that are used exclusively for residential purposes. Individual dwelling units in multi-family dwellings are also excluded from this inspection program with the exception of the common egress, storage, and mechanical areas of such structures. All non-life hazard uses shall be inspected periodically as follows:

- A. At least every twenty-four (24) months, except as set forth in “B” below.
- B. Non-life hazard uses that are required by New Jersey law or rule to have annual inspections shall be inspected at least every twelve (12) months.

Nothing herein shall prohibit the Bureau of Fire Safety from inspecting any non-life hazard more frequently at the request of the occupant and subject to the inspection fees set forth herein.

§ 15-2-7. Registration of Non-Life Hazard Uses.

- A. Owners of businesses and/or other uses constituting industrial, commercial, professional services, educational, multi-family residential and other uses not classified as life hazard uses by the New Jersey Uniform Fire Code and which are required to be inspected herein in accordance with this article and the requirements of the New Jersey Uniform Fire Code shall register annually with the Bureau of Fire Safety as provided herein.
- B. The owners of uses required to be registered shall do so on forms provided by the Bureau of Fire Safety, which forms shall include, but not be limited to, the following information:
 - (1) The name, address, telephone number, and email address of the owner of the property upon or in which the use is located.
 - (2) The name, home address, home telephone number, and email address of the owner, operator, or registered agent of the use, if different from the owner of the property.
 - (3) The name, physical location, mailing address, and telephone number of the use or business.
 - (4) The type of use along with a description of the business of activity being conducted.
 - (5) The amount of square footage being utilized or occupied by the use or business.
 - (6) Any further information deemed necessary to identify or classify the use or business, as may be required by the Fire Official.
- C. It shall be a violation of this Article for the owner or operator of a business to fail to return such forms within thirty (30) days of being ordered to do so by the Fire Official. If the ownership is transferred, whether by sale, assignment, gift, intestate succession, devise, reorganization, receivership, foreclosure or execution process, or

by any other means of conveyance, the new owner or operator shall file a new registration within thirty (30) days of such a transfer.

§ 15-2-8. Failure to Register.

A penalty of Two Hundred Fifty Dollars (\$250.00) shall be assessed for any business or use required to register that fails to register in accordance with the requirements herein.

§ 15-2-69. Life Hazard Uses.

The Bureau of Fire Safety shall conduct the periodic inspections of life hazard uses required by the Fire Prevention Code on behalf of the New Jersey Commissioner of Community Affairs.

§ 15-2-710. Other Powers and Duties of Bureau of Fire Safety.

The Bureau of Fire Safety shall have such other powers and perform such other duties as are set forth in other sections of this chapter as may be conferred and imposed from time to time by law.

§ 15-2-811. Fire Official to Recommend Additional Regulations.

It shall be the duty of the Fire Official to investigate and to recommend to the Borough Council such additional ordinances or amendments to existing ordinances as he may deem necessary for safeguarding life and property against fire.

§ 15-2-912. Administration of Bureau of Fire Safety.

The Fire Official shall serve as administrator and enforcement officer of the Bureau of Fire Safety and shall report to the Mayor and Council. He shall establish the day-to-day operating routines of the Bureau of Fire Safety and shall coordinate the activities of any technical inspectors.

§ 15-2-4913. Appointment of Fire Official; Authority; Term of Office.

A. The Mayor and Council shall appoint a Fire Official pursuant to the State Uniform Fire Code, N.J.A.C. 5:70-1 et seq. The Fire Official shall be appointed on the basis of examination or another method selected by the Mayor and Council for determining his qualifications.

B. The Bureau shall be under the direct supervision and control of the Fire Official who shall report to the Mayor and Council. He shall have authority, as may be necessary in the interest of public safety, health and general welfare, to establish rules and regulations, to interpret and enforce the provisions of the Fire Prevention Code and to determine special requirements applicable because of climatic or other conditions, but no such rules shall have the effect of waiving any fire safety requirements specifically provided in the Fire Prevention Code or violating accepted engineering practices involving public safety.

C. The term of office of the Fire official shall be four years.

D. The Fire Official may be removed from office by the Borough Administrator for failing to perform the Fire Official's duties.

E. A qualified interim Fire Official may be appointed as needed by the Borough Administrator.

§ 15-2-4114. (Reserved)

§ 15-2-4215. Legal Counsel.

The Borough Attorney shall serve as legal counsel to the Bureau of Fire Safety.

Section 2. 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 3. 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 4. This Ordinance shall become effective immediately upon final passage and publication in accordance with the law.

ORDINANCE 2022-17

BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY

**AN ORDINANCE AMENDING AND SUPPLEMENTING ARTICLE 15-2,
ENTITLED “ADMINISTRATION AND ENFORCEMENT,”
OF CHAPTER 15, “FIRE PREVENTION AND PROTECTION,”
OF “THE REVISED GENERAL ORDINANCES OF THE
BOROUGH OF HIGHTSTOWN”**

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

WHEREAS, per the recommendation of the Borough’s Fire Official, the Borough Council wishes to make certain revisions to the existing fire prevention and protection regulations.

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

Section 1. Article 15-2, entitled “Administration and Enforcement,” of Chapter 15, “Fire Prevention and Protection,” of “The Revised General Ordinances of the Borough of Hightstown,” is hereby amended and supplemented in the following respects (additions are shown with underline; deletions are shown with ~~strikeout~~):

Article 15-2. Administration and Enforcement

§ 15-2-1. Definitions.

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§ 15-2-~~23~~. Local Enforcing Agency Designated.

The local enforcing agency shall be the Bureau of Fire Safety.

§ 15-2-34. Enforcement; Bureau of Fire Safety.

The Fire Official shall be responsible for the enforcement of the Fire Prevention Code of the Borough. To assist in the performance of the responsibilities and duties placed upon the Fire Official, a Bureau of Fire Safety is hereby created consisting of the Fire Official and such other fire inspectors as may be designated as set forth in § 15-2-4.

§ 15-2-45. Fire Official; Fire Inspectors.

A. Fire Official. The Bureau shall operate under the direct supervision and control of the Fire Official. The Fire Official shall be responsible for the direct administration and enforcement of the Fire Prevention Code.

B. Fire Inspectors. Upon recommendation of the Fire Official, the Mayor and Council may designate such number of fire inspectors as shall from time to time be deemed necessary. Such fire inspectors shall be selected through an examination to determine their fitness for the position.

§ 15-2-56. Inspections of Non-Life Hazard Uses.

~~The Bureau of Fire Safety shall enforce the State Uniform Fire Safety Act and regulations promulgated pursuant thereto and the Fire Prevention Code in all structures and premises, except one family and two family dwellings, and buildings owned or operated by the Federal government or State and interstate agencies, provided that common areas, storage and mechanical areas and other areas not used as dwellings in multifamily structures shall also be subject to inspection. Inspections shall be made as often as necessary for the purpose of ascertaining and causing to be corrected any conditions liable to cause a fire or any violations of the provisions of the Fire Prevention Code or any other ordinance affecting fire hazards. The Fire Official or other qualified fire inspector shall inspect each structure covered by this article at least annually.~~

~~The Bureau of Fire Safety shall inspect all buildings, structures or premises not listed as life hazard uses (referred hereafter as non-life hazard uses), with the exception of owner-occupied detached one- and two-family dwellings that are used exclusively for residential purposes. Individual dwelling units in multi-family dwellings are also excluded from this inspection program with the exception of the common egress, storage, and mechanical areas of such structures. All non-life hazard uses shall be inspected periodically as follows:~~

~~A. At least every twenty-four (24) months, except as set forth in "B" below.~~

~~B. Non-life hazard uses that are required by New Jersey law or rule to have annual inspections shall be inspected at least every twelve (12) months.~~

~~Nothing herein shall prohibit the Bureau of Fire Safety from inspecting any non-life hazard more frequently at the request of the occupant and subject to the inspection fees set forth herein.~~

§ 15-2-7. Registration of Non-Life Hazard Uses.

A. Owners of businesses and/or other uses constituting industrial, commercial, professional services, educational, multi-family residential and other uses not classified as life hazard uses by the New Jersey Uniform Fire Code and which are required to be inspected herein in accordance with this article and the requirements of the New Jersey Uniform Fire Code shall register annually with the Bureau of Fire Safety as provided herein.

B. The owners of uses required to be registered shall do so on forms provided by the Bureau of Fire Safety, which forms shall include, but not be limited to, the following information:

(1) The name, address, telephone number, and email address of the owner of the property upon or in which the use is located.

(2) The name, home address, home telephone number, and email address of the owner, operator, or registered

agent of the use, if different from the owner of the property.

(3) The name, physical location, mailing address, and telephone number of the use or business.

(4) The type of use along with a description of the business of activity being conducted.

(5) The amount of square footage being utilized or occupied by the use or business.

(6) Any further information deemed necessary to identify or classify the use or business, as may be required by the Fire Official.

C. It shall be a violation of this Article for the owner or operator of a business to fail to return such forms within thirty (30) days of being ordered to do so by the Fire Official. If the ownership is transferred, whether by sale, assignment, gift, intestate succession, devise, reorganization, receivership, foreclosure or execution process, or by any other means of conveyance, the new owner or operator shall file a new registration within thirty (30) days of such a transfer.

§ 15-2-8. Failure to Register.

A penalty of Two Hundred Fifty Dollars (\$250.00) shall be assessed for any business or use required to register that fails to register in accordance with the requirements herein.

§ 15-2-69. Life Hazard Uses.

The Bureau of Fire Safety shall conduct the periodic inspections of life hazard uses required by the Fire Prevention Code on behalf of the New Jersey Commissioner of Community Affairs.

§ 15-2-710. Other Powers and Duties of Bureau of Fire Safety.

The Bureau of Fire Safety shall have such other powers and perform such other duties as are set forth in other sections of this chapter as may be conferred and imposed from time to time by law.

§ 15-2-811. Fire Official to Recommend Additional Regulations.

It shall be the duty of the Fire Official to investigate and to recommend to the Borough Council such additional ordinances or amendments to existing ordinances as he may deem necessary for safeguarding life and property against fire.

§ 15-2-912. Administration of Bureau of Fire Safety.

The Fire Official shall serve as administrator and enforcement officer of the Bureau of Fire Safety and shall report to the Mayor and Council. He shall establish the day-to-day operating routines of the Bureau of Fire Safety and shall coordinate the activities of any technical inspectors.

§ 15-2-4913. Appointment of Fire Official; Authority; Term of Office.

A. The Mayor and Council shall appoint a Fire Official pursuant to the State Uniform Fire Code, N.J.A.C. 5:70-1 et seq. The Fire Official shall be appointed on the basis of examination or another method selected by the Mayor and Council for determining his qualifications.

B. The Bureau shall be under the direct supervision and control of the Fire Official who shall report to the Mayor and Council. He shall have authority, as may be necessary in the interest of public safety, health and general welfare, to establish rules and regulations, to interpret and enforce the provisions of the Fire Prevention Code and to determine special requirements applicable because of climatic or other conditions, but no such rules shall have the effect of waiving any fire safety requirements specifically provided in the Fire Prevention Code or violating accepted engineering practices involving public safety.

C. The term of office of the Fire official shall be four years.

D. The Fire Official may be removed from office by the Borough Administrator for failing to perform the Fire Official's duties.

E. A qualified interim Fire Official may be appointed as needed by the Borough Administrator.

§ 15-2-~~14~~14. (Reserved)

§ 15-2-~~15~~15. Legal Counsel.

The Borough Attorney shall serve as legal counsel to the Bureau of Fire Safety.

Section 2. 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 3. 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 4. This Ordinance shall become effective immediately upon final passage and publication in accordance with the law.

BUDGET 2022

Resolution 2022-160 Self Examination of Budget

Moved by Councilmember Bluth; Seconded by Councilmember Cicalese.

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

Resolution adopted 5-0.

Resolution 2022-160

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

SELF-EXAMINATION BUDGET RESOLUTION

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Borough of Hightstown has been declared eligible to participate in the program by the Division of Local government Services, and the Chief Financial officer has determined that the local government meets the necessary conditions to participate in the program for the 2022 budget year.

NOW THEREFORE BE IT RESOLVED by the governing body of the Borough of Hightstown that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes.
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate and correctly stated,
 - b. Items of appropriation are properly set forth
 - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

Resolution 2022-151 Authorizing the Budget to be Read by Title Only

Moved by Councilmember Cicalese; Seconded by Councilmember Misiura.

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

Resolution adopted 5-0.

Resolution 2022-151

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

**AUTHORIZING THE BUDGET TO
BE READ BY TITLE ONLY**

WHEREAS, pursuant to 40A:4-10, as amended by Chapter 95, P.L.2015, provides that the budget may be by title when procedures required by N.J.S.40A:4-8 and N.J.S.40A:4-9 or section 12 of P.L.1995, c.259 (C.40A:4-6.1), as applicable, have been followed; and

WHEREAS, N.J.S.A. 40A:4-8, as amended by Chapter 259, P.L. 1995 provides that the budget be read by title only at the time of the public hearing if a resolution is passed by not less than a majority of the full governing body; and

WHEREAS, the Borough Council finds that the budget for 2022 shall be read by title only.

NOW, THEREFORE BE IT RESOLVED that the budget shall be read by title only.

ROLL CALL RECORDED VOTE:

	1st	2nd	Yes	No	Abstain	Absent
Ms. Bluth			✓			
Mr. Cicalese	✓		✓			
Ms. Fowler			✓			
Mr. Jackson						✓
Mr. Misiura		✓	✓			
Mr. Montferrat			✓			

Public Hearing for the 2022 Budget

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

Eugene Sarafin, 628 South Main Street – Congratulations to Council on a fantastic job of keeping costs down and maintaining services. He fully supports this budget.

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

Resolution 2022-152 Adoption of 2022 Budget

Moved by Councilmember Fowler; Seconded by Councilmember Bluth.

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

Resolution adopted 5-0.

See Attachment 1 attached hereto and made part thereof.

RESOLUTIONS

Resolution 2022-153 Authorizing Payment of Bills

Moved by Councilmember Montferrat; Seconded by Councilmember Cicalese.

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

Resolution adopted 5-0.

Resolution 2022-153

*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 \$94,602.25 from the following accounts:

Current		\$44,210.85
W/S Operating		31,550.98
General Capital		0.00
Water/Sewer Capital		0.00
Grant		4,955.80
Trust		846.52
Unemployment Trust		0.00
Animal Control		3,000.00
Law Enforcement Trust		576.00
Tax Lien Trust		3,049.60
Public Defender Trust		0.00
Housing Trust		0.00
Escrow		<u>6,412.50</u>
Total		<u>\$94,602.25</u>

Resolution 2022-154 Resolution Authorizing the Borough Engineer to Request a Six-Month Extension from the New Jersey Department of Transportation in Connection with the Grant Received for Improvements to Hausser Avenue, Bennet Place and Prospect Drive

Moved by Councilmember Misiura; Seconded by Councilmember Cicalese.

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

Resolution adopted 5-0.

Resolution 2022-154

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

RESOLUTION AUTHORIZING THE BOROUGH ENGINEER TO REQUEST A SIX-MONTH EXTENSION FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION IN CONNECTION WITH THE GRANT RECEIVED FOR IMPROVEMENTS TO HAUSSER AVENUE, BENNETT PLACE, AND PROSPECT DRIVE

WHEREAS, on or about November 16, 2020, the New Jersey Department of Transportation ("NJDOT") awarded the Borough of Hightstown, County of Mercer, State of New Jersey (the "Borough") a municipal aid grant in the amount of \$500,000 for road improvements to Hausser Avenue, Bennett Place, and Prospect Drive (the "Road Improvement Project"); and

WHEREAS, under the terms of the municipal aid grant, the Borough is required to make an award of a contract to complete the Road Improvement Project on or before November 16, 2022; and

WHEREAS, the project has been delayed as a result of planned water main improvements within the project area. The water main improvements have been planned since April 2020. The Borough is in the process of securing funding through the NJ Infrastructure Bank program. As these improvements must be completed before roadway improvements, the NJDOT funded contract must be delayed by 6-months; and

WHEREAS, Roadway Improvements at Hausser Avenue, Bennett Place, and Prospect Drive will not be able to take place until after the water main improvement has been installed.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Hightstown, County of Mercer, State of New Jersey that the Borough Engineer, Roberts Engineering Group, LLC, is hereby authorized to request an extension from the New Jersey Department of Transportation in connection with the Borough's municipal aid grant in the amount of \$500,000 and dated November 16, 2020.

Resolution 2022-155 A Resolution Granting Renewal of Municipal Consent to Comcast of Central New Jersey, LLC to Construct and Operate a Cable Television System in the Borough of Hightstown

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 2022-155

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

A RESOLUTION GRANTING RENEWAL OF MUNICIPAL CONSENT TO COMCAST OF CENTRAL NEW JERSEY, LLC TO CONSTRUCT AND OPERATE A CABLE TELEVISION SYSTEM IN THE BOROUGH OF HIGHTSTOWN

WHEREAS, the Borough Council of the Borough of Hightstown (the "Borough Council") has received and considered an application filed by Comcast of Central New Jersey, LLC (the "Applicant"), with an address of 90 Lake Drive, East Windsor, New Jersey 08520, for renewal of municipal consent to construct and operate a cable television system within the Borough (the "Application"), which Application was filed on or about April 20, 2022; and

WHEREAS, the Mayor and Council have reviewed the Application in accordance with the municipal consent process set forth in N.J.S.A. 48:5A-22 to -29; and

WHEREAS, the Mayor and Council conducted a public hearing on the Application on July 18, 2022, and have received public comment on the Application in accordance with N.J.S.A. 48:5A-23 and N.J.A.C. 14:18-11.6 to 11.8; and

WHEREAS, neither the presentation at the public hearing, nor any of the questions or comments made by the public, presented any credible or valid reason to cause the Borough to deny the Application; and

WHEREAS, based upon their review of the Application and supporting materials and the Applicant's responses to the questions and comments raised at the public hearing, the Mayor and Council are satisfied that the Applicant

possesses the requisite legal, financial, and technical competency, and general fitness, to provide cable television services to the public, as required by N.J.S.A. 48:5A-27.

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

1. That the Mayor and Council hereby renew municipal consent to the Applicant, Comcast of Central New Jersey, LLC, to construct and operate a cable television system within the Borough of Hightstown. Such municipal consent shall be codified in the form of a municipal Ordinance, which shall be adopted in accordance with N.J.S.A. 48:5A-24.

2. That a certified copy of this Resolution shall be provided to each of the following:

- a. Comcast of Central New Jersey, LLC
(Attention: Rob Clifton, Senior Director of Government & Regulatory Affairs);
- b. State of New Jersey Board of Public Utilities/Office of Cable Television & Telecommunications (Attention: Lawanda Gilbert, Director);
- c. Dimitri Musing, Borough Administrator; and
- d. Frederick C. Raffetto, Esq., Borough Attorney.

Resolution 2022-156 Authorizing Payment No. 17 – The Musial Group, P.A. (Architectural and Contract Administration Services for Municipal Facilities Located at 230 Mercer Street)

Moved by Councilmember Misiura; Seconded by Councilmember Cicalese.

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

Resolution adopted 5-0.

Resolution 2022-156

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

**AUTHORIZING PAYMENT NO. 17 - THE MUSIAL GROUP, P.A.
(ARCHITECTURAL AND CONTRACT ADMINISTRATION SERVICES FOR
MUNICIPAL FACILITIES LOCATED AT 230 MERCER STREET)**

WHEREAS, Resolution 2019-44, appointed the Musial Group as Architect and Contract Administrator for the municipal facilities project located at 230 Mercer Street; and

WHEREAS, Resolution 2019-44 also authorized concept design at a cost not to exceed \$40,000; and

WHEREAS, Resolution 2019-115, adopted on June 3, 2019, authorized the remainder of the project at a total cost not to exceed \$459,895.00; and

WHEREAS, Resolution 2020-40, adopted on January 21, 2020, amended the contract to not exceed \$472,895.00 without further authorization of the Governing Body; and

WHEREAS, Resolution 2020-153, adopted on August 3, 2020, amended the contact to not exceed \$511,995.00 without further authorization of the Governing Body; and

WHEREAS, the architect has submitted payment request No. 16 for professional services for June 26, 2022 – July 30, 2022 in the total amount of \$20,581.90.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the payment request to The Musial Group, P.A. of Mountainside, New Jersey in the amount of \$20,581.90, is hereby approved as detailed herein, and the Deputy CFO is authorized to issue same.

Resolution 2022-157 Resolution Endorsing the Delaware Valley Regional Planning Commission Transportation & Community Development Initiative (TCDI) Hightstown Redevelopment Area Circulation Plan

Moved by Councilmember Misiura; Seconded by Councilmember Montferrat.

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

Resolution adopted 5-0.

Resolution 2022-157

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

RESOLUTION ENDORSING THE DELAWARE VALLEY REGIONAL PLANNING COMMISSION TRANSPORTATION & COMMUNITY DEVELOPMENT INITIATIVE (TCDI) HIGHTSTOWN'S REDEVELOPMENT AREA CIRCULATION PLAN

WHEREAS, the Borough of Hightstown recognizes that the Delaware Valley Regional Planning Commission provides sound and integrated land use and transportation planning and coordination of planning at all levels of government in order to:

- Support local planning projects that will lead to more residential, employment or commercial opportunities in areas designated for growth or redevelopment;
- Improve the overall character and quality of life within the region to retain and attract business and residents;
- Enhance and utilize the existing transportation infrastructure capacity to reduce demands on the region's transportation network;
- Reduce congestion and improve the transportation system's efficiency by promoting the use of transit, bike, and pedestrian transportation modes;
- Build capacity in our older suburbs and neighborhoods;
- Reinforce and implement improvements in designated Centers; and;
- Protect our environment through growth management and land preservation.; and

WHEREAS, the Hightstown Redevelopment Area Circulation Plan endorsement is a review process developed by the Delaware Valley Regional Planning Commission (DVRPC) to assure compliance with municipal, county, and regional agencies and policies that meet the goals of the Delaware Valley Regional Planning Commission's long range plan, *Connections 2050*; and

WHEREAS, plan endorsement may require the preparation of additional planning documents to ensure implementation as the means by which a municipality assesses the consistency of its existing community vision and

planning documents with the Connections 2040 plan; and

WHEREAS, the Mayor and Council of the Borough of Hightstown have obligated the funds provided to them through the Transportation and Community Development Initiative (TCDI) to plan for the sustainable growth of Borough of Hightstown.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Hightstown approve the Hightstown Redevelopment Area Circulation Study and recommend it for inclusion in the Borough of Hightstown's Master Plan.

NOW BE IT FURTHER RESOLVED, that the Borough Clerk will forward a copy of this resolution to the Hightstown Borough Planning Board for its consideration of inclusion in the Borough of Hightstown's Master Plan.

Resolution 2022-158 Resolution in Opposition of New Jersey Division of Alcoholic Beverage Control's Special Conditions on Limited Brewery Licensees

Moved by Councilmember Fowler; Seconded by Councilmember Bluth.

Lee Stults, 117 Taylor Avenue - President of Old Hights Brewing Company. Thanked Council for their efforts and support of local breweries.

Councilmember Bluth stated that the new rules are unconscionable. She supports this resolution.

Eugene Sarafin, 628 South Main Street – ABC is trying to appease the expensive liquor licensees. He believes the State is making a mistake. Local Breweries are small businesses that support their communities.

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

Resolution adopted 5-0.

Resolution 2022-158

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

**RESOLUTION IN OPPOSITION OF NEW JERSEY DIVISION OF
ALCOHOLIC BEVERAGE CONTROL'S SPECIAL CONDITIONS ON
LIMITED BREWERY LICENSEES**

WHEREAS, the New Jersey Division of Alcoholic Beverage Control (NJABC) issued new special conditions on each limited brewery licensee (aka "craft brewery") in the state beginning Friday, July 1, 2022; and

WHEREAS, under the license conditions, craft breweries are limited to holding 25 on-site activities open to the general public annually, as well as 52 private parties. Breweries can also attend 12 off-premises events, such as town, charitable, and holiday celebrations; and

WHEREAS, under these license conditions, craft breweries have restrictions on the types of television programming they can air in their tasting rooms, restricts what types of live or recorded music they can play or host, limits what food options they can make available to customers, bans the sale of coffee, and prohibits the sale of soft drinks and other non-alcoholic beverages not made onsite at the brewery; and

WHEREAS, according to the national Brewers Association, the one-hundred and forty-one craft breweries operating in New Jersey in calendar year 2021 contributed almost \$2 billion to the state’s economy, creating over 11,000 jobs at an annual income of more than \$55,000 per employee; and

WHEREAS, Hightstown Borough is home to 1 craft brewery: Old Hights Brewing Company, located at 123 West Ward Street, Hightstown, New Jersey; and

WHEREAS, these new conditions will force these local, homegrown small businesses to rethink business models and closely consider which events they should participate in or host, which will reduce their profits and their opportunities to engage in their communities; and

WHEREAS, visiting these microbreweries is about each of their unique experiences, and these proprietors have found exciting ways to engage other local businesses, vendors and artists in their communities; and

WHEREAS, the Governor and State Legislature should work with breweries to develop smart and fair law revisions and regulations that will guide state regulators at the New Jersey Division of Alcoholic Beverage Control on how to oversee the state’s craft beer industry.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown, County of Mercer, State of New Jersey, that (1) it strongly opposes the New Jersey Division of Alcoholic Beverage Control’s Special Conditions on Limited Brewery Licensees and requests the conditions be removed immediately; and (2) the Borough Clerk forward copies of this Resolution to the elected officials of Mercer County, the leaders of the New Jersey Legislature and Governor Phil Murphy.

DISCUSSION

Be the Light Foundation – Fall Music Festival

Mr. Musing stated that the Be the Light Foundation will once again be hosting a music festival. Last year it was held in the Stockton Street parking lot. They are requesting permission to do that again. We allowed this last year to coincide with their grand opening. Requesting this again and requesting no police. Mr. Musing stated that Police presence will be decided by the Chief. Mr. Musing asked Council if we want to allow events in this area or if this is best suited to be done in a park. Discussion ensued. Council agreed that they are fully in support of this event but being that it seems that it will be an annual event, it cannot be held in the parking lot. This is better suited for one of our parks. It was also stated that Council cannot waive police coverage. This decision will be left for Chief Gendron. Mr. Musing will contact Betheli9ht to discuss the location of the event.

Regulations Establishing Regulations Relating to the Replacement of Lead and Galvanized Service Lines

Mr. Raffetto stated that the law that the state legislature approved in 2021, and that the Governor signed into law requires all lead pipes, including galvanized pipes to be identified and replaced within 10 years. The state legislature also enacted a separate piece of legislation that allows municipalities, if they so choose to adopt an ordinance, which allows the municipality or their agents to enter a property within the municipality to perform the lead service line replacements, provided that the municipality provides the owner and any residents of the property with notice of at least 72 hours before entering the property. The ordinance that's in draft format basically takes the language of the law adopted by the State legislature verbatim and puts it into the Borough code. Discussion ensued. Councilmember Bluth stated that she would like to incorporate language that the Borough pays for the cost of the replacement of the service lines. Mr. Raffetto will make the change for the next meeting when the ordinance can be introduced.

MAYOR/COUNCIL/ADMINISTRATIVE REPORTS

Councilmember Fowler

Harvest Fair – Scheduled for October 1. All vendor and entertainment spaces have sold out.

Councilmember Montferrat

Spoke with George Chin. Not much is going on in Construction.

Councilmember Cicalese

Board of Health – No meetings in July or August

Parks and Recreation – Did not have a quorum to meet this month. They will be swearing in a new member at the next meeting. There is a Fun Friday this week at Memorial Park.

Borough Clerk, Peggy Riggio

Working on a Special Events checklist/permit.

A lot going on in town this fall. Many applications for raffles and food vendors for the Latino Festival, Harvest Fair and a Band Competition at the High School.

Looking into different co-ops for purchasing to take advantage of savings on some of our contracts.

Up and running again with bulk stickers.

Borough Administrator, Dimitri Musing

The Borough is running smoothly. We currently have two employees out with Covid.

Covid numbers are rising. Last week Mercer County moved back into the red category.

Governor Murphy is asking all New Jersey residents to conserve water.

Congratulated Borough Clerk, Peggy Riggio, on passing her QPA exam. She is now a Qualified Purchasing Agent.

Mayor Quattrone

East Ward Street Bridge Committee – He will be dissolving this committee effective immediately. This committee is not running smoothly.

Due to the lack of rain, the flowers downtown were dying. They seem to be coming back now.

Wishes the brewery luck with the rules from the State.

Meetings will remain online until we get a recommendation from the Health Department.

EXECUTIVE SESSION

Resolution 2022-159 Authorizing a Meeting that Excludes the Public

Moved by Councilmember Bluth; Seconded by Councilmember Fowler.

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

Resolution adopted 5-0.

Resolution 2022-159

*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 August 15, 2022, via www.zoom.com, that will be limited only to consideration of an item or items with respect to which the public may be excluded pursuant to section 7b of the Open Public Meetings Act.

The general nature of the subject or subjects to be discussed:

Attorney Client Privilege

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 November 15, 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.

Adjourn to Executive Session at 7:32 p.m.

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

Council returned to Public Session at 8:23 p.m.

ADJOURNMENT 8:24 p.m.

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

Respectfully Submitted,



Margaret Riggio
Borough Clerk

Approved by Hightstown Borough Council: November 7, 2022