

**Meeting Minutes  
Hightstown Borough Council  
September 6, 2022  
6:30 p.m.**

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

The flag salute followed Roll Call.

	<b>PRESENT</b>	<b>ABSENT</b>
<i>Councilmember Susan Bluth</i>	✓	
<i>Councilmember Joseph Cicalese</i>	✓	
<i>Councilmember Cristina Fowler</i>	✓	
<i>Councilmember Joshua Jackson</i>	Arrived at 6:37 pm	
<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 Montferrat; Seconded by Councilmember Cicalese.

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

Agenda approved 5-0.

**PUBLIC COMMENT**

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

**Eugene Sarafin, 628 South Main Street** – Spoke against the republican party and the supreme court.

**Nancy Laudenberger, 632 South Main Street** – Spoke about the disbandment of the East Ward Street Bridge Committee.

**Wendy McDade, 125 South Street** – Spoke about the disbandment of the East Ward Street Bridge Committee.

**Pete Klapsogorge, 418 North Main Street** – Spoke regarding his concerns about traffic on North Main Street.

**Howard Levine, 414 North Main Street** – Thanked Council for listening to resident concerns about safety on North Main Street. Hopes that the ordinances will be put into effect soon.

**Barb Harrington, 137 South Street** – Informed the public about a fundraiser for Marty’s Place this week at the Brewery from 5:00 – 9:00.

**Michele Epstein, 421 North Main Street** – Expressed ongoing frustration with traffic calming and truck traffic. She feels that Council recognizes the issues but is not doing anything to change and fix issues. There are good intentions but not enough action.

**Vladimir Aituganov, 161 East Ward Street** – Spoke about the Ward Street Bridge. He believes that Hightstown can survive without traffic on the bridge. Mayor and Council are ignoring what the residents want.

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

Councilmember Jackson log into the meeting during public comment and is now present.

**ORDINANCES**

**Ordinance 2022-17 Final Reading and Public Hearing 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”**

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 adoption by Councilmember Montferrat; Seconded by Councilmember Jackson.

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

Ordinance adopted 6-0.

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-~~114~~. (Reserved)

§ 15-2-~~1215~~. 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 2022-18 Introduction and First Reading An Ordinance Establishing Regulations Relating to the Replacement of Lead and Galvanized Service Lines and Amending and Supplementing Chapter 19, Entitled “Water and Sewer,” of “The Revised General Ordinances of the Borough of Hightstown” In Order to Establish a New Article 19-6 Thereof to be Known as “Replacement of Lead and Galvanized Service Lines”**

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

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

Ordinance introduced 5-0 with 1 abstention.

Public hearing scheduled for September 19, 2022

ORDINANCE 2022-18

BOROUGH OF HIGHTSTOWN  
COUNTY OF MERCER  
STATE OF NEW JERSEY

**AN ORDINANCE ESTABLISHING REGULATIONS RELATING TO THE REPLACEMENT OF LEAD AND GALVANIZED SERVICE LINES AND AMENDING AND SUPPLEMENTING CHAPTER 19, ENTITLED “WATER AND SEWER,” OF “THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN” IN ORDER TO ESTABLISH A NEW ARTICLE 19-6 THEREOF TO BE KNOWN AS “REPLACEMENT OF LEAD AND GALVANIZED SERVICE LINES”**

**WHEREAS**, the presence of lead in drinking water represents a threat to the public health, especially the health and development of New Jersey’s children; and

**WHEREAS**, pipes containing lead that connect water mains to homes and other buildings, often called lead service lines, are a primary source of lead in drinking water; and

**WHEREAS**, given the risk to public health, the New Jersey State Legislature has required that each public water system replace all existing lead and galvanized service lines, including those existing on private property; and

**WHEREAS**, in order to protect the health and welfare of the citizens of the Borough of Hightstown, in the County of Mercer, and State of New Jersey (hereinafter the “Borough”), the Borough’s Mayor and Council implemented an inventory and replacement plan for any lead and galvanized service lines existing within the Borough; and

**WHEREAS**, to effectuate said plan, pursuant to N.J.S.A. 58:12A-39, the Borough hereby adopts this Ordinance to allow the Borough and/or the Borough’s water system, including any officials, employees and/or agents thereof, to enter any property within the Borough to perform lead and galvanized service line replacements, provided that the Borough serves appropriate notices upon the proper parties, as set forth herein; and

**WHEREAS**, on June 20, 2022, the Borough’s Mayor and Council adopted Resolution No. 2022-120, which established the official policy of the Borough relative to funding the costs associated with lead and galvanized service line replacements; specifically, the costs associated with lead/galvanized service line replacements shall be borne by all of the customers of the Borough-owned public community water system, rather than assessed to the property of specific property owners in the same manner as provided for the assessment of local improvements pursuant to N.J.S.A. 40:56-1, *et seq.* Said determination was made in accordance with N.J.S.A. 52:12A-44(e).

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

Section 1. Chapter 19, entitled “Water and Sewer,” of “The Revised General Ordinances of the Borough of Hightstown” (the “Borough Code”), is hereby amended and supplemented in certain limited respects, in order to establish a new Article 19-6, to be known as “Replacement of Lead and Galvanized Service Lines,” to read as follows:

**Article 19-6. Replacement of Lead and Galvanized Service Lines.**

**§ 19-6-1. Purpose and Authority.**

The Borough finds that the presence of lead in drinking water represents a threat to the public health and welfare of its citizens, and that pipes containing lead that connect water mains to homes and other buildings, called lead or galvanized service lines, are significant sources of lead in drinking water. As such, under the authority granted the Borough by N.J.S.A. 58:12A-38 and N.J.S.A. 58:12A-39, the Borough hereby declares its intent to identify and replace all lead and/or galvanized service lines within the Borough, including the authority to enter upon any property within the Borough to replace all existing lead and/or galvanized service lines, at the Borough’s cost and expense.

**§ 19-6-2. Scope of Property Owner/Borough Responsibilities.**

- A. This Chapter shall generally govern the respective responsibilities of the Borough and individual property owners as to all service lines within the Borough, except in the case of a “lead service line” to which this Article 19-6 shall specifically be applicable.
- B. A “lead service line” is a water supply connection that is made of, or lined with, a material consisting of lead, and which connects a water main to a building inlet. A lead pigtail, lead gooseneck, or other lead fitting shall be considered to be a lead service line, regardless of the composition of the service line or other portions of piping to which such piece is attached. A galvanized service line shall be considered to be a lead service line. A lead service line may be owned by the Borough, a property owner, or both.
- C. In the case of a “lead service line”, the Borough shall be responsible for replacement of all pipes, tubing, and fittings connecting its water main to a building or structure, including the water meter for the property. Pursuant to N.J.S.A. 52:12A-44(e), the Borough has determined that all costs and expenses associated with the said replacement work shall be funded by the Borough, rather than assessed to specific property owner(s).

**§ 19-6-3. Borough’s Right-of-Entry to Replace Lead Service Lines.**

The Borough shall have the authority to enter any property within the Borough to perform a lead service line replacement, provided that the Borough provides the owner and any residents of the property with notice at least 72 hours before entering the property, unless in the case of an emergency as determined by the New Jersey Department of Environmental Protection.

- A. For the purposes of this Subsection 19-6-3, notice to the owner and any residents of the property shall include an attempt to inform the owner and any residents in person of the date and time of the lead service line replacement, and if the owner or a resident is unable to be reached in person, the Borough shall send, by certified mail, a letter to the owner and any residents or post a written notice in a prominent location on the property which shall include:
  - (1) The scheduled date and time of the lead service line replacement and who will be performing the replacement;
  - (2) The likely extent of water service disruption;

(3) The nearby locations where the municipality or a public water system is distributing supplementary drinking water, if any; and

(4) Any remedies that the municipality shall take if the municipality or municipal water system, or an agent thereof, is unable to access the property.

B. In addition to the notice requirements set forth in this Subsection 19-6-3, the Borough shall send, by certified mail, the owner a letter after the completion of the replacement stating the approximate time that the replacement occurred, and providing a brief summary of the work performed.

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.

## **RESOLUTIONS**

### **Resolution 2022-161 Authorizing Payment of Bills**

Moved by Councilmember Misiura, Seconded by Councilmember Cicalese

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

Resolution adopted 6-0.

Resolution 2022-161

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

### **AUTHORIZING PAYMENT OF BILLS**

**WHEREAS**, certain bills are due and payable as per itemized claims listed on the following schedules, which are made a part of the minutes of this meeting as a supplemental record;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the bills be paid on audit and approval of the Borough Administrator, the appropriate Department Head and the Treasurer in the amount of \$1,301,822.26 from the following accounts:



Current		\$1,106,731.89
W/S Operating		80,672.10
General Capital		26,879.65
Water/Sewer Capital		18,894.88
Grant		1,429.00
Trust		5,268.99
Unemployment Trust		0.00
Animal Control		0.00
Law Enforcement Trust		0.00
Tax Lien Trust		59,821.55
Public Defender Trust		0.00
Housing Trust		0.00
Escrow		<u>2,124.20</u>
Total		<u>\$1,301,822.26</u>

**Resolution 2022-162 Resolution Authorizing the Borough of Hightstown to Participate in the Intra-County Mutual Aid and Assistance Agreement with Participating Units in the County of Mercer**

Moved by Councilmember Bluth; Seconded by Councilmember Fowler.

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

Resolution adopted 6-0.

Resolution 2022-162  
*BOROUGH OF HIGHTSTOWN  
COUNTY OF MERCER  
STATE OF NEW JERSEY*

**RESOLUTION AUTHORIZING THE BOROUGH OF HIGHTSTOWN TO PARTICIPATE IN THE INTRA-COUNTY MUTUAL AID AND ASSISTANCE AGREEMENT WITH PARTICIPATING UNITS IN THE COUNTY OF MERCER**

**WHEREAS**, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A: 65-1 et. Seq., (“Act”) provides that any local governmental unit may enter into a contract with any other local governmental unit to provide or receive any service that each local unit is empowered to provide or receive within its own jurisdiction; and

**WHEREAS**, mutual aid and assistance agreements between municipalities, counties, law enforcement agencies, police, emergency medical service, fire departments, fire companies or EMS organizations and fire departments situated in fire districts operated by a Board of Fire Commissioners, are permitted, pursuant to N.J.S.A. 40A: 14-26 and 40A: 14-156.1; and

**WHEREAS**, the President in Homeland Security Directive (HSPD-5), directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System (“NIMS”), which would provide a consistent nationwide approach to Federal, State, local and tribal governments to work together more effectively and efficiently to prevent, prepare for, respond to and recover from domestic incidents, regardless of cause, size or complexity; and

**WHEREAS**, “The New Jersey Civilian Defense and Disaster Control Act” App.A9-33 et. seq., provides for the health, safety, and welfare of the people of the State of New Jersey during any emergency by centralizing control of all civilian activities having to do with such emergency giving the Governor control over the resources of each and every political subdivision to cope with any condition that shall arise out of such emergency; and,

**WHEREAS**, the Director of the Division of Fire Safety in the Department of Community Affairs promulgated rules in accordance with the “Fire Service Resource Emergency Deployment Act,” N.J.A.C. 52:14E-11 et. seq., commonly referred to as the “Fire Service Resource Emergency Deployment Regulations” N.J.A.C. 5:75A et. seq.; and

**WHEREAS**, the Governing Body of the Borough of Hightstown deem it to be in the best interest of the Borough to enter into Mutual Aid and Assistance Agreements with governmental entities throughout Mercer County and all of their departments, authorities, boards, commissions and other functions under the auspice of each participating governmental entity including but not limited to, law enforcement, public works, emergency medical services, fire departments, emergency management, human services, hazardous materials response units, technical or special operations teams, Community Emergency Response Team (“CERT”) members, Medical Reserve Corps (“MRC”) members or other volunteers and other jurisdictions defined “local governments” in the Homeland Security Act of 2002; and

**WHEREAS**, N.J.S.A 40A:14-26 and 156.1 et seq. has authorized interjurisdictional mutual aid; and

**WHEREAS**, the Governing Body of the Borough of Hightstown and the Participating Units Recognize that benefit of entering into an agreement for mutual aid and assistance with each other to protect against loss, damage or destruction by fire, civil unrest, hazardous material, major criminal or emergency events, natural and man-made disaster or catastrophe and to address those situations when additional aid and assistance is needed to protect the best interest of the persons and property of each individual jurisdiction.

**NOW, THEREFORE, BE IT RESOLVED**, that the Intra-County Mutual Aid and Assistance Agreement between the Borough of Hightstown and Participating Units be and same hereby accepted.

**BE IT FURTHER RESOLVED**, that the Mayor, Emergency Management Coordinator, and Borough Clerk are authorized to execute the Intra-County Mutual Aid and Assistance Agreement.

**BE IT FURTHER RESOLVED**, that Borough Clerk shall forward two (2) certified true copies of this resolution and accompanying agreement to the County of Mercer Office of Emergency Management.

**Resolution 2022-163 Authorizing Payment #1 and Change Order #1 – S. Brothers – Improvements to Railroad Avenue, Dey Street, Center Street and South Academy Street**

Moved by Councilmember Bluth; Seconded by Councilmember Misiura.

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

Resolution adopted 6-0.

Resolution 2022-163

*BOROUGH OF HIGHTSTOWN  
COUNTY OF MERCER*

STATE OF NEW JERSEY

**AUTHORIZING PAYMENT #1 AND CHANGE ORDER #1– S. BROTHERS –  
IMPROVEMENTS RAILROAD AVENUE, DEY STREET, CENTER STREET AND  
SOUTH ACADEMY STREET**

**WHEREAS**, on November 21, 2021, the Borough Council awarded a contract for the Improvements Railroad Avenue, Dey Street, Center Street and South Academy Street to S. Brothers, Inc., of South River, New Jersey at the price of \$573,798.00; and

**WHEREAS**, the contractor has submitted a request for payment No. 1 in the amount of \$499,590.07, for partial payment through July 25, 2022; and

**WHEREAS**, the contractor has submitted Change Order No. 1 which includes an adjustment to as-built quantities and supplemental items; and

**WHEREAS**, Change Order No. 1 neither increases nor decreases the contract amount; and

**WHEREAS**, the Borough Engineer has recommended approval of Change Order No. 1; and

**WHEREAS**, the Borough Engineer has recommended approval of Payment Request No. 1 to the contractor in the amount of \$499,590.07.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that Change Order No. 1 and Payment Request No. 1 to S. Brothers, Inc., of South River, New Jersey for \$499,590.07, is hereby approved as detailed herein, and the Deputy CFO is authorized to issue same.

**Resolution 2022-164 Authorizing Payment #2 – Earle Asphalt Company (Improvements to Stockton Street and Joseph Street – C.R. 571)**

Moved by Councilmember Fowler; Seconded by Councilmember Montferrat.

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

Resolution adopted 6-0.

Resolution 2022-164

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

**AUTHORIZING PAYMENT NO. 2 EARLE ASPHALT COMPANY  
(IMPROVEMENTS TO STOCKTON STREET AND JOSEPH STREET – C.R. 571)**

**WHEREAS**, on February 16, 2021, the Borough Council awarded a contract for improvements to Stockton Street and Joseph Street (C.R. 571) to Earle Asphalt Company of Wall, New Jersey in the Amount of \$370,013.13; and

**WHEREAS**, the contractor has submitted a request payment in the amount of \$19,341.22 for partial work performed from July 2, 2021 – September 30, 2021; and

**WHEREAS**, the Project Engineer has reviewed the request and recommends approval of the payment.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown a payment in the amount of \$19,341.22 to Earle Asphalt Company of Wall, New Jersey is hereby approved as detailed herein.

**Resolution 2022-165 Authorizing Change Order #1 – Earle Asphalt Company (Improvements to Stockton Street and Joseph Street – CR 571)**

Moved by Councilmember Montferrat; Seconded by Councilmember Ciclese

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

Resolution adopted 6-0.

Resolution 2022-165

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

**AUTHORIZING CHANGE ORDER #1 – EARLE ASPHALT COMPANY  
(IMPROVEMENTS TO STOCKTON STREET AND JOSEPH STREET – C.R. 571)**

**WHEREAS**, on February 16, 2021, the Borough Council awarded a contract for improvements to Stockton Street and Joseph Street (C.R. 571) to Earle Asphalt Company of Wall, New Jersey in the Amount of \$370,013.13; and

**WHEREAS**, the contractor has submitted Change Order No. 1, in the amount of \$30,221.63 which represents an increase to the original contract and adds new items to match the as-built quantities; and

**WHEREAS**, Change Order #1 increases the total contract amount to \$400,234.76 representing a 8.17% increase, and

**WHEREAS**, the Project Engineer has recommended approval of Change order #1; and

**WHEREAS**, the Finance Officer has certified that funds are available for this expenditure.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that Change Order #1 in the amount of \$30,221.63 is hereby approved as detailed herein.

**Resolution 2022-166 Authorizing Renewed Shared Services Agreement with East Windsor Township for Senior Services**

Moved by Councilmember Bluth; Seconded by Councilmember Jackson.

Mr. Musing stated that he had asked East Windsor for the certified costs for March of 2021 – February of 2022. East Windsor CFO did certify the costs. The senior center is an important program for our seniors. Even when the center is closed there are some expenses that continue. Hoping that the senior center opens full time in the near future.

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

Resolution adopted 6-0.

Resolution 2022-166

*BOROUGH OF HIGHTSTOWN  
COUNTY OF MERCER*

STATE OF NEW JERSEY

**AUTHORIZING RENEWED SHARED SERVICES AGREEMENT WITH EAST WINDSOR TOWNSHIP FOR SENIOR SERVICES**

**WHEREAS**, with the adoption of Resolution 2019-87 on April 15, 2019, the Borough Council approved a Shared Services Agreement with the Township of East Windsor for the provision of Senior Services for the period March 1, 2019 through February 29, 2020 at a cost of Forty-Eight Thousand Two Hundred Thirty Nine Dollars and Sixty Four Cents (\$48,239.64) for the 12-month period; and

**WHEREAS**, the parties desire to enter into a successor agreement to continue the provision of Senior Services to the Borough by the Township of East Windsor through February 28, 2022; and

**WHEREAS**, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40:65-1 et seq. authorizes the approval of Shared Services Agreements by Resolution; and

**WHEREAS**, the Mayor and Council have reviewed the proposed Shared Services Agreement for Senior Services for the period March 1, 2021 through February 28, 2022; and

**WHEREAS**, the Borough's net share of costs for these services, by the terms of this agreement, for the period March 1, 2021 through February 28, 2022 will be thirty-nine thousand five hundred twenty-eight dollars and eighty cents (\$39,528.80) for this 12-month period; and

**WHEREAS** the CFO has certified that funds are available for this expenditure.

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

1. The Shared Services Agreement with the Township of East Windsor for Senior Services for the period March 1, 2021 through February 22, 2022 is hereby approved, in accordance with the provisions of N.J.S.A. 40:65-1 et seq.
2. The Mayor and Borough Clerk are hereby authorized and directed to execute the agreement for same.
3. This agreement is approved subject to the provision of adequate funds in the Borough's 2021 and 2022 budgets.

**Resolution 2022-167 A Resolution Authorizing the Termination of the Prior Agreement Regarding the Services of Borough Attorney Frederick C. Raffetto, Esq. (Ansell Grimm & Aaron, P.C.) and Authorizing the Execution of a New Agreement for Said Services with Mr. Raffetto (Hill Wallack, LLP)**

Moved by Councilmember Jackson; Seconded by Councilmember Fowler;

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

Resolution adopted 6-0.

Resolution 2022-167  
BOROUGH OF HIGHTSTOWN  
COUNTY OF MERCER  
STATE OF NEW JERSEY

**A RESOLUTION AUTHORIZING THE TERMINATION OF THE PRIOR AGREEMENT REGARDING**

**THE SERVICES OF BOROUGH ATTORNEY FREDERICK C. RAFFETTO, ESQ. (ANSELL GRIMM & AARON, P.C.) AND AUTHORIZING THE EXECUTION OF A NEW AGREEMENT FOR SAID SERVICES WITH MR. RAFFETTO (HILL WALLACK, LLP)**

**WHEREAS**, on January 3, 2022, Resolution No. 2022-09 was adopted by the Borough Council of the Borough of Hightstown (the “Borough”) appointing Frederick C. Raffetto, Esq. to serve as Borough Attorney for the Borough for the year 2022; and

**WHEREAS**, also on January 3, 2022, an Agreement (also referenced as the “Agreement”) for the provision of legal services was executed by Mr. Raffetto and the Borough; and

**WHEREAS**, at the time of adoption of the Resolution and execution of the Agreement, Mr. Raffetto was affiliated with the law firm of Ansell Grimm & Aaron, P.C. (“AGA”); and

**WHEREAS**, effective as of September 1, 2022, Mr. Raffetto has joined the law firm of Hill Wallack, LLP (“HW”); and

**WHEREAS**, the Borough wishes to continue to have Mr. Raffetto serve as the Borough Attorney for the remainder of 2022 in his new capacity as a representative of HW under all of the same terms and conditions; and

**WHEREAS**, this will require termination of the Agreement with AGA and the execution of a new Agreement with HW; however, AGA shall continue to handle all legal matters relating to the closing of title on the sale of the Borough-owned property located at 239 Wyckoff Mills Road, East Windsor Township (Block 12.01, Lot 3), through its conclusion.

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

1. That the Agreement with AGA is hereby terminated effective August 31, 2022, except that AGA shall be permitted to continue to handle all legal matters relating to the closing of title on the sale of the Borough-owned property located at 239 Wyckoff Mills Road, East Windsor Township (Block 12.01, Lot 3), through its conclusion, under all of the same terms and conditions set forth in the Agreement. Once that specific matter has been finally concluded, then the AGA Agreement shall be fully terminated.
2. That the Borough is hereby authorized to enter into a new contract with Mr. Raffetto and his new firm, HW, for the provision of legal services to the Borough in the capacity as Borough Attorney for the remainder of 2022, which shall be effective as of September 1, 2022. The new contract shall contain all of the same terms and conditions set forth in the prior Agreement with AGA.
3. That a certified copy of this Resolution shall be provided to each of the following:
  - a. Frederick C. Raffetto, Esq., Borough Attorney; and
  - b. Dimitri Musing, Borough Administrator.

**Resolution 2022-168 Authorizing Refund of Tax Overpayment – 200 Maxwell Avenue**

Moved by Councilmember Bluth Seconded by Councilmember Cicalese.

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

Resolution adopted 6-0.

Resolution 2022-168

*BOROUGH OF HIGHTSTOWN*

*COUNTY OF MERCER  
STATE OF NEW JERSEY*

**AUTHORIZING REFUND OF TAX OVERPAYMENT – 200 MAXWELL AVENUE**

**WHEREAS**, an overpayment of 2022 taxes were made for Block 29/Lot 15, 200 Maxwell Avenue in the amount of \$2,219.61, by the home owner; and

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

**WHEREAS**, the homeowner, Blanca Guaman 200 Maxwell Avenue, Hightstown, NJ has requested that a refund be issued for the overpayment in the amount of \$2,219.61; and

**WHEREAS**, the Tax Collector has requested that said overpayment be refunded in the amount of \$2,219.61.

**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 \$2,219.61 to Blanca Guaman, 200 Maxwell Avenue, Hightstown, NJ 08520, representing the tax overpayment as set forth herein.

**DISCUSSION**

**Comcast Renewal Ordinance**

Mr. Raffetto presented the last renewal ordinance with the proposed ordinance. Mr. Raffetto stated that there are some minor changes to the ordinance. We will be meeting with Mr. Clifton to review the changes. Hopes to have draft ordinance at next meeting so we can present to the state.

**Stockton Street – Halloween**

Mayor Quattrone asked Council if we would like to close Stockton Street for Halloween as in years past. Discussion ensued. Council unanimously agreed for the closure of Stockton Street on Halloween.

**SUBCOMMITTEE REPORTS**

**Borough Hall** – Councilmember Misiura stated that the Musial Group has sent an updated timeline for the project. The subcommittee will meet to review the timeline.

**Complete Streets** – The Committee met at the end of August and spoke about content to distribute at Harvest Fair.

**MAYOR/COUNCIL/ADMINISTRATIVE REPORTS**

**Councilmember Montferrat**

**Construction** - working with Mr. Musing and George Chin on property maintenance in town.

**Councilmember Jackson**

**HPC** – Will meet on September 15<sup>th</sup> at 6:30 p.m.

**Councilmember Fowler**

**Harvest Fair** – Scheduled for October 1<sup>st</sup>. The event is sold out over with over100 vendors and entertainment. Banners will be up this week throughout town.

**Councilmember Bluth**

**Cultural Arts Commission** – Had their Plenair event at the end of August where artists were seen around town. Their art is now on display at the brewery. Porchfest is scheduled for September 25<sup>th</sup>.

**Borough Clerk, Peggy Riggio**

**Bid Opening** – We will be receiving chemical bids on September 25<sup>th</sup>.

**Professional Services** – We need to have a discussion regarding what professionals we would like to issue RFPs for.

**Dimitri Musing, Borough Administrator**

**Turn the Town Teal** – Teal Ribbons have been placed downtown. This initiative promotes awareness of ovarian cancer.

**Property Maintenance** – This is a high priority for the end of the year. He is working with Dave Bell and George Chin in the Construction Office.

**North Main Street** – He commends Mayor and Council for getting the ordinance done quickly. We are waiting for the county to place signage for no turns and no passing in the bike lane.

**Mayor Quattrone**

**East Ward Street Bridge Committee** – He abolished this committee because it was an ad hock committee with no authority and no funds to spend. The County needs to do what they need to do. They will come to us with questions. We will take care of the road.

**Downtown Flower Baskets** – The flowers took a big hit with the draught and weather. Public Works did their best to keep them alive.



**Stockton Street** – The Engineer is working on the pending issues.

**EXECUTIVE SESSION**

**Resolution 2022-169 Authorizing a Meeting that Excludes the Public**

Moved by Councilmember Montferrat Seconded by Councilmember Cicalese

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

Resolution adopted 6-0.

Resolution 2022-169

*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 September 6, 2022, via [www.zoom.com](http://www.zoom.com), that will be limited only to consideration of an item or items with respect to which the public may be excluded pursuant to section 7b of the Open Public Meetings Act.

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

Attorney Client Privilege

Personnel – Qualified Purchasing Agent

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 December 6, 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 7:39 p.m.

Council returned to Public Session at 8:11 p.m.

**ADJOURNMENT – 8:12 p.m.**

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

Respectfully Submitted,

Margaret Riggio

Margaret Riggio  
Borough Clerk

Approved by Hightstown Borough Council: November 21, 2022