

**Meeting Minutes**  
**Hightstown Borough Council**  
**December 19, 2022**  
**6:30 p.m.**

The meeting was called to order by Mayor Quattrone at 6:32 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.

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>	✓	
<i>Councilmember Steven Misiura</i>	✓	
<i>Councilmember Frederick Montferrat</i>	✓	
<i>Mayor Quattrone</i>	✓	

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

The Flag Salute followed roll call.

**APPROVAL OF AGENDA**

Mayor Quattrone ask to amend the agenda adding a PRC – Contract Negotiations to Executive Session.

Moved as amended by Councilmember Jackson; Seconded by Councilmember Cicalese.

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

Resolution adopted 6-0

**APPROVAL OF MINUTES**

**November 7, 2022 – Public Session**

Moved by Councilmember Jackson; Seconded by Councilmember Cicalese.

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

Minutes approved 6-0.

**November 7, 2022 – Executive Session**

Moved by Councilmember Cicalese; Seconded by Councilmember Fowler.

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

Minutes Approved 6-0.

**November 21, 2022 – Public Session**

Moved by Councilmember Montferrat; Seconded by Councilmember Fowler.

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

Minutes approved 5-0 with 1 abstention.

**PUBLIC COMMENT**

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

**Scott Caster, 12 Clover Lane** – Congratulated Mayor Quattrone on his well-deserved retirement.

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

**ORDINANCES**

**Ordinance 2022-19 Final Reading and Public Hearing An Ordinance Granting Renewal of Municipal Consent to Comcast of Central New Jersey, LLC to Construct, Connect, Operate and Maintain a Cable Television and Communication System in the Borough of Hightstown, Mercer County New Jersey**

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

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

Moved for adoption by Councilmember Cicalese; Seconded by Councilmember Jackson.

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

Ordinance adopted 6-0.

Ordinance 2022-19

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

**AN ORDINANCE GRANTING RENEWAL OF MUNICIPAL CONSENT TO COMCAST OF CENTRAL NEW JERSEY, LLC TO CONSTRUCT, CONNECT, OPERATE AND**

**MAINTAIN A CABLE TELEVISION AND COMMUNICATIONS SYSTEM IN THE  
BOROUGH OF HIGHTSTOWN, MERCER COUNTY, NEW JERSEY**

**BE IT ORDAINED** AND ENACTED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF HIGHTSTOWN, MERCER COUNTY, NEW JERSEY, AS FOLLOWS:

**SECTION 1. PURPOSE OF THE ORDINANCE.**

The Borough hereby grants to Comcast of Central New Jersey, LLC renewal of its non-exclusive Municipal Consent to place in, upon, across, above, over and under highways, streets alleys, sidewalks, easements, public ways and public places in the Borough, poles, wires, cables, underground conduits, manholes and other television conductors, fixtures, apparatus, and equipment as may be necessary for the construction, operation and maintenance in the Borough of a cable television and communications system.

**SECTION 2. DEFINITIONS.**

For the purpose of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. Such meaning or definition of terms in supplemental to those definitions of the Federal Communications Commission (“FCC”) rules and regulations, 47 C.F.R. Subsection 76.1 *et seq.*, and the Cable Communications Policy Act, 47 U.S.C. Section 521 *et seq.*, as amended, and the Cable Television Act, N.J.S.A. § 48:5A-1 *et seq.*, and shall in no way be construed to broaden, alter or conflict with the federal and state definitions:

- A. “Borough” or “Municipality” is the Borough of Hightstown, County of Mercer, State of New Jersey.
- b. “Company” or “Comcast” is the grantee of rights under this Ordinance and is known as Comcast of Central New Jersey, LLC
- c. “Act” or “Cable Television Act” is Chapter 186 of the General Laws of New Jersey, and subsequent amendments thereto, N.J.S.A. § 48:5A-1, *et seq.*
- d. “FCC” is the Federal Communications Commission.
- e. “Board” or “BPU” is the Board of Public Utilities, State of New Jersey.
- f. “Office” or “OCTV” is the Office of Cable Television of the Board.
- g. “Basic Cable Service” means any service tier, which includes the retransmission of local television broadcast signals as defined by the FCC.
- h. “Application” is the Company’s Application for Renewal of Municipal Consent.
- i. “Primary Service Area” or “PSA” consists of the area of the Borough currently served with existing plant as set forth in the map annexed to the Company’s Application for Municipal Consent.

**SECTION 3. STATEMENT OF FINDINGS.**

A public hearing concerning the consent herein granted to the Company was held after proper public notice pursuant to the terms and conditions of the Act and the regulations of the Board adopted pursuant thereto. Said hearing having been held and fully opened to the public, and the Borough, having received at said public hearing all comments regarding the qualifications of the Company to receive this renewal of Municipal Consent, the Borough hereby finds that the Company possesses the necessary legal, technical, character, financial and other qualifications and that the Company’s operating and construction arrangements are adequate and feasible.

**SECTION 4. DURATION OF FRANCHISE.**

The non-exclusive Municipal Consent granted herein shall expire ten (10) years from the date of expiration of the previous Certificate of Approval issued by the Board.

In the event that the Borough shall find that the Company has not substantially complied with the material terms and conditions of this Ordinance, the Borough shall have the right to petition the OCTV, pursuant to N.J.S.A. 48:5A-47, for appropriate action, including modification and/or termination of the Certificate of Approval; provided however, that the Borough shall first have given the Company written notice of all alleged instances of non-compliance and an opportunity to cure same within ninety (90) days of that notification.

**SECTION 5. FRANCHISE FEE.**

Pursuant to the terms and conditions of the Act, N.J.S.A. 48:5A-30(d), the Company shall, during each year of operation under the consent granted herein, pay to the Municipality 3.5% of the gross revenues from all recurring charges in the nature of subscription fees paid by subscribers for cable television reception service in the Municipality or any higher amount permitted by the Act or otherwise allowable by law, whichever is greater. The current franchise fee paid to the Borough is 3.5%.

**SECTION 6. FRANCHISE TERRITORY.**

The consent granted under this Ordinance for the renewal of the franchise shall apply to the entirety of the Borough and any property subsequently annexed hereto.

**SECTION 7. EXTENSION OF SERVICE.**

The Company shall, during the franchise period, be required to offer service to any present or future dwelling unit, school, institution, and business located and to be located along any public rights-of-way in the primary service area, as set forth in the Company's application. Any extension of plant beyond the Primary Service Area shall be governed by the Company's Line Extension Policy, as set forth in the Company's Application, with a HPM ("homes-per-mile") of 35 dwellings per linear mile from the nearest active trunk or feeder line from which a usable cable signal may be obtained. For purposes of this section and the Company's implementation of the LEP, a home shall only be counted as a "dwelling unit" if such home is occupied and within two hundred seventy-five (275) feet of the public right of way.

**SECTION 8. CONSTRUCTION REQUIREMENTS.**

- a. Restoration: In the event that the Company or its agents shall disturb any pavement, street surfaces, sidewalks, driveways, or other surface in the natural topography, the Company shall, at its sole expense, restore and replace such places or things so disturbed in as reasonably good a condition as existed prior to the commencement of said work.
- b. Relocation: If at any time during the period of this consent, the Borough shall alter or change the grade of any street, alley or other way or place the Company, upon reasonable notice by the Borough, shall remove, re-lay or relocate its equipment, at the expense of the Company. In requiring Company to remove, re-lay or relocate any portion of its property, the Borough shall treat Company the same as, and require no more of Company than, any other similarly situated entity utilizing the Public Rights of Way, including with respect to reimbursement of costs.
- c. Removal or Trimming of Trees: During the exercise of its rights and privileges under this franchise, the Company shall have the authority to trim trees upon and overhanging streets, alleys, sidewalks or other public places of the Borough so as to prevent the branches of such trees from coming in contact with the wires and cable of the Company. Such trimming shall be only to the extent necessary to maintain proper clearance of the Company's wire and cables. Except in an emergency, the Company will not, without the prior consent of the Supervisor of the Borough's Department of Public Works, or his/her delegate, trim or remove trees in the public rights-of-way or parks in the Borough. The Supervisor or delegate will respond to a request for authorization within 48 hours, Monday through Friday. If requested, the Company will perform any trimming under the direct supervision of the Supervisor or his designee.
- d. Installation of Equipment: The Company shall install equipment in the same location and manner as existing

public utilities whenever possible, in order to minimize the impact of same on surrounding property.

- e. Temporary removal of cables: The Company shall, upon request of the Borough, at the Company's expense, temporarily raise, lower or remove its cables and associated facilities in order to facilitate the moving of Borough-owned buildings, equipment, vehicles and machinery and to accommodate other like circumstances. In light of a temporary removal request by other than the Borough for non-Borough-owned buildings, equipment, vehicles and machinery, the cost of such temporary removal shall be the responsibility of the requesting party.

#### **SECTION 9. CUSTOMER SERVICE.**

In providing services to its customers, the Company shall comply with N.J.A.C. 14:18-1, et seq. and all applicable state and federal statutes and regulations. The Company shall strive to meet or exceed all voluntary company and industry standards in the delivery of customer service and shall be prepared to report on it to the Borough Council upon written request of the Borough Administrator or Clerk.

- a. The Company shall continue to comply fully with all applicable state and federal statutes and regulations regarding credit for outages, the reporting of same to regulatory agencies and notification of same to customers.
- b. The Company shall continue to fully comply with all applicable state and federal statutes and regulations regarding the availability of devices for the hearing impaired and the notification of same to customers.
- c. The Company shall use every reasonable effort to meet or exceed voluntary standards for telephone accessibility by the National Cable Television Association (NCTA).
- d. Nothing herein shall impair the right of any subscriber or the Borough to express any comment with respect to telephone accessibility to the Complaint Officer, or impair the right of the Complaint Officer to take any action that is permitted under law.

#### **SECTION 10. MUNICIPAL COMPLAINT OFFICER.**

The Office of Cable Television is hereby designed as the Complaint Officer for the Municipality pursuant to N.J.S.A. 48:5A-26(b). All complaints shall be received and processed in accordance with N.J.A.C. 14:17-6.5. The Municipality shall have the right to request copies of records and reports pertaining to complaints by Municipality customers from the OCTV.

#### **SECTION 11. LOCAL OFFICE.**

During the term of this franchise, and any renewal thereof, the Company shall maintain a business office or agent in accordance with N.J.A.C. § 14:18-5.1 for the purpose of receiving, investigating and resolving all local complaints regarding the quality of service, equipment malfunctions, and similar matters. Such a business office shall have a publicly listed toll-free telephone number and be open during standard business hours, and in no event (excepting emergent circumstances) less than 9:00 A.M. to 5:00 P.M., Monday through Friday.

#### **SECTION 12. PERFORMANCE BOND.**

During the life of the franchise the Company shall give to the Borough a bond in the amount of Twenty-Five Thousand Dollars (\$25,000). Such bond shall be to insure the faithful performance of all undertakings of the Company as represented in its application for municipal consent incorporated herein.

#### **SECTION 13. SUBSCRIBER RATES.**

The rates of the Company shall be subject to regulation as permitted by federal and state law.

#### **SECTION 14. COMMITMENTS BY THE COMPANY.**

- a. The Company shall continue to provide at no cost Total Preferred cable television service to one (1) outlet to each qualified existing school and library in the Borough, public and private, elementary, intermediate and secondary, provided the school building is within one hundred seventy-five (175) feet of active cable distribution plant or through customer owned conduit. Each additional outlet installed, if any, shall be paid for on a materials plus labor basis by the school or library requesting service. Monthly service charges shall be waived on all additional outlets.
- b. The Company shall continue to provide at no cost Total Preferred cable television service to one (1) outlet to each qualified municipal building in the Borough (Borough Hall, Police Headquarters, Fire Department, and First Aid building), provided they are within one hundred seventy-five (175) feet of active cable distribution plant or through customer owned conduit. Each additional outlet installed, if any, shall be paid for on a materials plus labor basis by the Borough.
- c. Within six months of the issuance of a Renewal Certificate of Approval by the BPU, the Company shall provide to the Borough a one-time E/G Access Capital Grant in the amount of \$10,000 to meet the Access capital needs of the community.
- d. The Communications Act of 1934, as amended [47 U.S.C. §543 (b)], allows the Company to itemize and/or identify: (1.) the amount on the subscriber bill assessed as a franchise fee and the identity of the governmental authority to which the fee is paid; (2.) the amount on the bill assessed to satisfy any requirements imposed on the Company by the cable franchise to support public, education, and/or governmental access channels or the use of such channels; and (3.) any grants or other fees on the bill or any tax, assessment, or charge of any kind imposed by any governmental authority on the transaction between the operator and the subscriber. The Company reserves its external cost, pass-through rights to the full extent permitted by law.

#### **SECTION 15. PUBLIC, EDUCATIONAL AND GOVERNMENTAL ACCESS**

- a. The Company shall continue to make available a system-wide educational and public access channel that may be shared with other municipalities maintained by the Company. Qualified individuals and organizations may utilize public access for the purpose of cablecasting non-commercial access programming in conformance with the Company's published public access rules.
- b. The Company shall not exercise editorial control over any educational or governmental use PEG Access channels, except Company may refuse to transmit any educational or governmental access program or portion of an educational or governmental access program that contains obscenity, indecency, or nudity.
- c. The Company shall take any steps that are necessary to ensure that the signals originated on the access channels are carried without material degradation, and with a signal whose quality is equal to that of the other standard channels that the Company transmits.

#### **SECTION 16. EMERGENCY USES.**

- a. The Company will comply with the Emergency Alert System ("EAS") rules in accordance with applicable state and federal statutes and regulations.
- b. The Company shall in no way be held liable for any injury suffered by the Borough or any other person, during an emergency, if for any reason the Borough is unable to make full use of the cable television system as contemplated herein.

#### **SECTION 17. LIABILITY INSURANCE.**

The Company shall at all times maintain a comprehensive general liability insurance policy with a single limit amount of One Million Dollars (\$1,000,000) covering liability for any death, personal injury, property damages or other liability arising out of its construction and operation of the cable television system, and an excess liability (or "umbrella") policy in the amount of Five Million Dollars (\$5,000,000).

**SECTION 18. INCORPORATION OF THE APPLICATION.**

All of the statements and commitments contained in the Application or annexed thereto and incorporated therein, and any amendment thereto, except as modified herein, are binding upon the Company as terms and conditions of this consent. The Application and other relevant writings submitted by the Company shall be annexed hereto and made a part hereof by reference provided same do not conflict with application State or Federal law.

**SECTION 19. COMPETITIVE EQUITY.**

Should the Borough grant municipal consent for a franchise to construct, operate and maintain a cable television system to any other person, corporation or entity on terms materially less burdensome or more favorable than the terms contained herein, the Company may substitute such language that is more favorable or less burdensome for the comparable provision of this Ordinance subject to the provisions of N.J.A.C. § 14:17-6.7.

**SECTION 20. PROPRIETARY INFORMATION**

The Company shall not be required to disclose information which it reasonably deems to be proprietary or confidential in nature. The Borough agrees to treat any information disclosed by the Company as confidential and only to disclose it to those employees, representatives, and agents of the Borough that have a need to know in order to enforce this Ordinance Agreement and who agree to maintain the confidentiality of all such information, unless such information is deemed to be subject to New Jersey's Open Public Records Act.

The Company shall not be required to provide Customer information in violation of Section 631 of the Cable Act or any other applicable federal or state privacy law. For purposes of this Section, the terms "proprietary or confidential" include, but are not limited to, information relating to the Cable System design, customer lists, marketing plans, financial information unrelated to the calculation of franchise fees or rates pursuant to FCC rules, or other information that is reasonably determined by the Company to be competitively sensitive. The Company may make proprietary or confidential information available for inspection but not copying or removal by the Borough's representative. In the event that the Borough has in its possession and receives a request under a state "sunshine," public records, or similar law for the disclosure of information the Company has designated as confidential, trade secret or proprietary, the Borough shall notify the Company of such request and cooperate with Company in opposing such request.

**SECTION 21. FORCE MAJEURE.**

The Company shall not be liable or responsible for, in whole or in part, any delay or failure to perform any of its obligations hereunder which may result from accidents, pandemics, floods, fires, earthquakes, tornadoes or other acts of God; war, acts of war (whether or not a declaration of war is made), civil disobedience; civil disturbance, sabotage or vandalism, customer tampering or interference, or act of public enemy; strikes, other labor or job actions or unavailability of materials or equipment; or other events or circumstances beyond the reasonable control of the Company.

**SECTION 22. THIRD PARTY BENEFICIARIES.**

Nothing in this Franchise or in any prior agreement is or was intended to confer third-party beneficiary status on any member of the public to enforce the terms of such agreements or Franchise.

**SECTION 23. NEW DEVELOPMENTS.**

The Borough, for its part, shall endeavor to exercise reasonable efforts to require developers and utility companies to provide the Company with at least fifteen (15) days advance notice of an available open trench for the placement of necessary cable.

**SECTION 24. EFFECTIVE DATE.**

This Ordinance shall take effect immediately upon passage and publication as required by law, and the issuance of a Renewal Certificate of Approval from the BPU.

**SECTION 25. SEVERABILITY.**

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 26. REPEALER.**

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.

**Ordinance 2022-20 Final Reading and Public Hearing An Ordinance Amending and Supplementing Article 19-2, Entitled “Charges and Rents,” of Chapter 19, “Water and Sewer,” of “The Revised General Ordinances of the Borough of Hightstown,” in Certain Limited Respects.**

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

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

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

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

Ordinance adopted 6-0.

Ordinance 2022-20

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

**AN ORDINANCE AMENDING AND SUPPLEMENTING ARTICLE 19-2, ENTITLED “CHARGES AND RENTS,” OF CHAPTER 19, “WATER AND SEWER,” OF “THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN,” IN CERTAIN LIMITED RESPECTS.**

**WHEREAS**, the Borough of Hightstown (the “Borough”) previously established Article 19-2, entitled “Charges and Rents,” of Chapter 19, “Water and Sewer,” of “The Revised General Ordinances of the Borough of Hightstown” (also referenced as the “Borough Code”); and

**WHEREAS**, the Mayor and Council wish to revise the charges for water and sewer service within the Borough, as well as to remove outdated provisions of the Borough Code which relate to the Borough’s prior receipt of septage/grey water; and

**WHEREAS**, these revisions will require amendments to Section 19-2-2, entitled “Water Charges,” and Section 19-2-3, entitled “Sewer Charges,” of the Borough Code, as set forth in more detail below.

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

1. That Section 19-2-2, entitled “Water Charges,” of Chapter 19, “Water and Sewer,” of Article 19-2, “Charges and Rents,” of “The Revised General Ordinances of the Borough of Hightstown is hereby amended and



supplemented in the following respects (additions are show with underline; deletions are shown with ~~strike~~through):

**§ 19-2-2. Water Charges.**

Type	Charge
Quarterly base charge for water connections (per connection unit)	<del>\$46.75</del> <u>\$54.70</u> per unit
Quarterly base charge for auxiliary residential water-only connection (per connection unit), installed as per § 19-2-5C	<del>\$30</del> <u>\$35.00</u> per unit
Water usage charge per each 100 cubic feet of metered water usage (all account types except auxiliary residential water-only connections)	<del>\$2.08</del> <u>\$2.43</u>
Water usage charge per each 100 cubic feet of metered water usage for auxiliary residential water-only connections	<del>\$3.03</del> <u>\$3.55</u> per unit
Tanked water	<del>\$20</del> <u>\$23.40</u> per 1,000 gallons
Quarterly base charge for private fire service lines:	
Size of fire service line	Charge
2"	<del>\$10.05</del> <u>\$11.76</u>
4"	<del>\$52.50</del> <u>\$61.43</u>
6"	<del>\$162.75</del> <u>\$190.42</u>
8"	<del>\$351.75</del> <u>\$411.55</u>
10"	<del>\$630</del> <u>\$737.11</u>
The Borough shall assess a charge of \$15 for all water meter readings not required for the calculation of quarterly water bills.	
All water charges above shall increase by an additional 1% every January 1, starting on January 1, <del>2023</del> <u>2024</u> .	

2. That Section 19-2-3, entitled “Sewer Charges,” of Chapter 19, “Water and Sewer,” of “The Revised General Ordinances of the Borough of Hightstown is hereby amended and supplemented in the following respects (additions are show with underline; deletions are shown with ~~strike~~through):

**§ 19-2-3. Sewer Charges.**

The following charges and rents shall be charged for use of the sewer system. For premises connected with the water mains of the public water and sewer system owned by the Borough, a sum shall be charged in accordance with the following rates and be computed from the amount and use of water taken from the water mains during the most recently billed quarter of the calendar year as evidenced by the reading of the water meter for the premises. Sewer charges shall be based upon the following:

A. Connections and Usage.

- (1) Quarterly base charge for sewage connections (per connection unit) whether or not any water is used during the quarter: ~~\$78.50~~ \$91.85 per unit.
- (2) Sewage usage charge per each 100 cubic feet of metered water usage (all account types): ~~\$4.31~~ \$5.04.
- (3) Rates for Subsection A(1) and (2) above shall increase by 1% every January 1, starting on January 1,

~~2023~~ 2024.

~~B. Receipt of Septage/Grey Water:~~

<del>Type</del>	<del>Charge</del>
<del>For processing of grey water delivered via tank truck by commercial entities</del>	<del>\$39 per 1,000 gallons</del>
<del>The contents of each tanker will be tested so as to determine the pH level of the material.</del>	
<del>For material with a measured pH found to be between 5.0 and 5.5, an additional surcharge will be assessed</del>	<del>\$7.50 per 1,000 gallons</del>
<del>For material with a measured pH found to be below 5.0, an additional surcharge will be assessed</del>	<del>\$15 per 1,000 gallons</del>
<del>For processing of septic tank waste delivered via tank truck by commercial entities</del>	
<del>Septic containing less than 3% total solids</del>	<del>\$61 per 1,000 gallons</del>
<del>The contents of each tanker will be tested so as to determine the pH level of the material.</del>	
<del>For material with a measured pH found to be between 5.0 and 5.5, an additional surcharge will be assessed</del>	<del>\$7.50 per 1,000 gallons</del>
<del>For material with a measured pH found to be below 5.0, an additional surcharge will be assessed</del>	<del>\$15 per 1,000 gallons</del>
<del>Septic containing greater than 3% total solids but less than 4% total solids</del>	<del>\$72 per 1,000 gallons</del>
<del>The contents of each tanker will be tested so as to determine the pH level of the material.</del>	
<del>For material with a measured pH found to be between 5.0 and 5.5, an additional surcharge will be assessed</del>	<del>\$7.50 per 1,000 gallons</del>
<del>For material with a measured pH found to be below 5.0, an additional surcharge will be assessed</del>	<del>\$15 per 1,000 gallons</del>
<del>Septic containing greater than 4% total solids but less than 5% total solids</del>	<del>\$82 per 1,000 gallons</del>
<del>The contents of each tanker will be tested so as to determine the pH level of the material.</del>	
<del>For material with a measured pH found to be between 5.0 and 5.5, an additional surcharge will be assessed</del>	<del>\$7.50 per 1,000 gallons</del>
<del>For material with a measured pH found to be below 5.0, an additional surcharge will be assessed</del>	<del>\$15 per 1,000 gallons</del>
<del>Septic containing greater than 5% total solids</del>	<del>\$93 per 1,000 gallons</del>
<del>The contents of each tanker will be tested so as to determine the pH level of the material.</del>	
<del>For material with a measured pH found to be between 5.0 and 5.5, an additional surcharge will be assessed</del>	<del>\$7.50 per 1,000 gallons</del>
<del>For material with a measured pH found to be below 5.0, an additional surcharge will be assessed</del>	<del>\$15 per 1,000</del>

Type	Charge
be-assessed	gallons
Septic (Jugglers)	\$93 per 1,000 gallons
<del>The contents of each tanker will be tested so as to determine the pH level of the material.</del>	
<del>For material with a measured pH found to be between 5.0 and 5.5, an additional surcharge will be assessed</del>	<del>\$7.50 per 1,000 gallons</del>
<del>For material with a measured pH found to be below 5.0, an additional surcharge will be assessed</del>	<del>\$15 per 1,000 gallons</del>
Car Wash	\$72 per 1,000 gallons
<del>The contents of each tanker will be tested so as to determine the pH level of the material.</del>	
<del>For material with a measured pH found to be between 5.0 and 5.5, an additional surcharge will be assessed</del>	<del>\$7.50 per 1,000 gallons</del>
<del>For material with a measured pH found to be below 5.0, an additional surcharge will be assessed</del>	<del>\$15 per 1,000 gallons</del>
Septic from Recreational Vehicles (RV)	\$15 per 1,000 gallons

~~C.B.~~ No petroleum oil or grease from mineral sources will be accepted at the Advanced Wastewater Treatment Plant.

~~D.C.~~ The term “calendar year” as used in this section shall be the period between January 1 and December 31.

3. That all other provisions of Chapter 19 of the Borough Code which are not referenced in Sections 1 and 2 of this Ordinance shall remain unaffected/unchanged and remain in full force and effect.

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

5. That the provisions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to the portion of the Ordinance actually adjudged invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.

**Ordinance 2022-21 Final Reading and Public Hearing Bond Ordinance Providing for Various Capital Improvements in and by the Borough of Hightstown, In the County of Mercer, New Jersey Appropriating \$819,100 Therefor and Authorizing the Issuance of \$775,780 Bonds for Notes of the Borough to Finance Part of the Cost Thereof**

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

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

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

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

Ordinance adopted 6-0.

Ordinance 2022-21

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

**BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$819,100 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$775,780 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.**

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

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized to be undertaken by the Borough of Hightstown, in the County of Mercer, New Jersey (the "Borough") as general improvements. For the several improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$819,100, including the aggregate sum of \$43,320 as the several down payments for the improvements or purposes required by the Local Bond Law. The down payments have been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments, negotiable bonds are hereby authorized to be issued in the principal amount of \$775,780 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

<u>Purpose</u>	<u>Appropriation &amp; Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds &amp; Notes</u>	<u>Period of Usefulness</u>
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a) Police:

(i) Acquisition of a server management system, including all related costs and expenditures incidental thereto.

\$12,500                      \$11,900                      5 years

(ii) Acquisition of stalker street signs, including all related costs and expenditures incidental thereto.

\$12,500                      \$11,900                      10 years

b) Fire Department:

(i) Acquisition of self- contained breathing apparatus bottles, rescue equipment upgrades and turnout gear, including all related costs and expenditures incidental thereto.

\$117,500                      \$107,800                      5 years

(ii) Engine bay floor repair and the acquisition of a vehicle compression system and a vehicle exhaust system, including all related costs and expenditures incidental thereto and further including all work and materials necessary therefor and incidental thereto.

\$84,500                      \$80,400                      15 years

c) Department of Public Works:

(i) Acquisition of an automated garbage truck, including all related costs and expenditures incidental thereto.

\$460,000                      \$438,000                      5 years

(ii) Acquisition of road signage and a rectangle rapid flashing beacon, including all related costs and expenditures incidental thereto.

\$48,300                      \$45,990                      10 years

d) Parks and Recreation:

Acquisition of basketball catch nets for Dawes Park, including all related costs and expenditures incidental thereto.

\$5,800                      \$5,500                      15 years

e) Roads:

East Ward Street Bridge  
improvements, including all work  
and materials necessary therefor and  
incidental thereto.

	<u>\$78,000</u>	<u>\$74,290</u>	10 years
TOTAL:	<u>\$819,100</u>	<u>\$775,780</u>	

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the down payment for each purpose.

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

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

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

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are all improvements or purposes that the Borough may lawfully undertake as general improvements, and no part of

the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 6.95 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$775,780, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$29,600 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements.

(e) Any action taken prior to the date of adoption of this bond ordinance in furtherance of the several improvements or purposes described in Section 3, including but not limited to, expenditures of funds appropriated hereby, are hereby ratified, confirmed and approved.

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

Section 8. Any grant moneys received for the purposes or improvements described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with

any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

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

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

**Ordinance 2022-22 Final Reading and Public Hearing Bond Ordinance Providing for Water Meter Replacements and Upgrades for the Water and Sewer Utility by the Borough of Hightstown, in the County of Mercer, New Jersey, Appropriating \$73,000 Therefor and Authorizing the Issuance of \$69,500 Bonds or Notes of the Borough to Finance the Cost Thereof**

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

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

Moved for adoption by Councilmember Jackson; Seconded by Councilmember Cicalese.

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

Ordinance adopted 6-0.

Ordinance 2022-22

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

**BOND ORDINANCE PROVIDING FOR WATER METERS  
REPLACEMENTS AND UPGRADES FOR THE WATER AND SEWER  
UTILITY AND BY THE BOROUGH OF HIGHTSTOWN, IN THE  
COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$73,000  
THEREFOR AND AUTHORIZING THE ISSUANCE OF \$69,500 BONDS  
OR NOTES OF THE BOROUGH TO FINANCE THE COST THEREOF.**

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



AS FOLLOWS:

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Borough of Hightstown, in the County of Mercer, New Jersey (the "Borough") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$73,000, including the sum of \$3,500 as the down payment required by the Local Bond Law. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$69,500 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is water meters replacements and upgrades, including all work and materials necessary therefor and incidental thereto and further including all related costs and incidental thereto.

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

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

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

their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

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

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

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

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

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$69,500, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$3,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

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

Section 8. Any grant moneys received for the purpose described in Section 3(a) hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 40c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

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

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

**Ordinance 2022-23 Final Reading and Public Hearing Bond Ordinance Providing a Supplemental Appropriations of \$85,000 for Improvements to Various Roads in and by the Borough of Hightstown, in the County of Mercer, New Jersey and Authorizing the Issuance of \$85,000 Bonds or Notes of the Borough to Finance Part of the Cost Thereof**

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

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

Moved for adoption by Councilmember Misiura; Seconded by Councilmember Cicalese.

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

Ordinance adopted 6-0.

Ordinance 2022-23

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

**BOND ORDINANCE PROVIDING A SUPPLEMENTAL  
APPROPRIATION OF \$85,000 FOR IMPROVEMENTS TO VARIOUS  
ROADS IN AND BY THE BOROUGH OF HIGHTSTOWN, IN THE  
COUNTY OF MERCER, NEW JERSEY, AND AUTHORIZING THE  
ISSUANCE OF \$85,000 BONDS OR NOTES OF THE BOROUGH TO  
FINANCE PART OF THE COST THEREOF.**

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

Section 1. The improvement described in Section 3(a) of this bond ordinance has heretofore been authorized to be undertaken by the Borough as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the supplemental amount of \$85,000, such sum being in addition to the \$873,000 appropriated therefor by Bond Ordinance #2020-05, finally adopted July 20, 2022 (the "Original Bond Ordinance") and including the \$600,000 grant expected to be received from the State of New Jersey Department of Transportation Municipal Aid Program (the "State Grant"). Pursuant to 40A:2-11(c), no down payment is provided for the costs of the project since the project is being partially funded by the State Grant.

Section 2. In order to finance the additional cost of the improvement, negotiable bonds are hereby authorized to be issued in the principal amount of \$85,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement heretofore authorized and the purpose for the financing of which the bonds are to be issued is improvements to various roads, including Springcrest Drive, Taylor Avenue, Spruce Court and Glen Drive, including curb, sidewalk and roadway improvements, and further including all work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or bond anticipation notes to be issued for the improvement or purpose is \$358,000, including the \$273,000 authorized by the Original Bond Ordinance and the \$85,000 bonds or

bond anticipation notes authorized herein.

(c) The estimated cost of the improvement or purpose is \$958,000, including the \$873,000 appropriated by the Original Bond Ordinance and the \$85,000 appropriated herein.

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

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

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

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

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 10

years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$358,000, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$183,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement. Of this amount, \$113,000 was estimated for these items of expense in the Original Bond Ordinance and an additional \$70,000 is estimated therefor herein.

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

Section 8. Any grant moneys received for the purpose described in Section 3(a) hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

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

limited to specific performance of the undertaking.

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

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

**Ordinance 2022-24 Final Reading and Public Hearing Bond Ordinance Providing a Supplemental Appropriation of \$65,000 for Improvements to Various Roads in and By the Borough of Hightstown, In the County of Mercer, New Jersey, and Authorizing the Issuance of \$65,000 Bonds or Notes of the Borough to Finance Part of the Cost Thereof**

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

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

Moved for adoption by Councilmember Cicalese; Seconded by Councilmember Fowler.

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

Ordinance adopted 6-0.

Ordinance 2022-24

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

**BOND ORDINANCE PROVIDING A SUPPLEMENTAL  
APPROPRIATION OF \$65,000 FOR IMPROVEMENTS TO VARIOUS  
ROADS IN AND BY THE BOROUGH OF HIGHTSTOWN, IN THE  
COUNTY OF MERCER, NEW JERSEY, AND AUTHORIZING THE  
ISSUANCE OF \$65,000 BONDS OR NOTES OF THE BOROUGH TO  
FINANCE PART OF THE COST THEREOF.**

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

Section 1. The improvement described in Section 3(a) of this bond ordinance has heretofore been authorized to be undertaken by the Borough as a general improvement. For the improvement or purpose described in Section

3(a), there is hereby appropriated the supplemental amount of \$65,000, such sum being in addition to the \$430,000 appropriated therefor by Bond Ordinance #2015-15, finally adopted August 17, 2015 (the “Original Bond Ordinance”), as supplemental by #2017-15, finally adopted November 6, 2017 (the “Supplemental Bond Ordinance”) and the \$132,000 appropriated therefor by the Supplemental Bond Ordinance and including the \$275,000 grant from the Safe Route to School Program administered by the State of New Jersey Department of Transportation (the “State Grant”). Pursuant to 40A:2-11(c), no down payment is provided for the costs of the project since the project is being partially funded by the State Grant.

Section 2. In order to finance the additional cost of the improvement, negotiable bonds are hereby authorized to be issued in the principal amount of \$65,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement heretofore authorized and the purpose for the financing of which the bonds are to be issued is improvements to Stockton Steet and Joseph Street, including, but not limited to, repaving and improvements to sidewalks and curbs on Joseph Street, and further including all work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or bond anticipation notes to be issued for the improvement or purpose is \$627,000, including the \$430,000 authorized by the Original Bond Ordinance, the \$132,000 authorized by the Supplemental Bond Ordinance and the \$65,000 bonds or bond anticipation notes authorized herein.

(c) The estimated cost of the improvement or purpose is \$627,000, including the \$430,000 authorized by the Original Bond Ordinance, the \$132,000 authorized by the Supplemental Bond Ordinance and the \$135,000 appropriated herein.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date, unless such bond anticipation notes mature at such later date in accordance with applicable law. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to



time subject to the provisions of the Local Bond Law or other applicable law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

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

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

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

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 10 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$65,000, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$255,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement. Of this amount, \$80,000 was estimated for these items of expense in the Original Bond Ordinance, \$40,000 was estimated for these items of

expense in the Supplemental Bond Ordinance and an additional \$135,000 is estimated therefor herein.

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

Section 8. Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

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

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

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

## **RESOLUTIONS**

**Resolution 2022-225 Authorizing Payment of Bills**

Moved by Councilmember Jackson; Seconded by Councilmember Misiura.

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

Resolution adopted 6-0.

Resolution 2022-225  
*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 \$1,280,456.84 from the following accounts:

Current		\$1,096,625.44
W/S Operating		78,477.26
General Capital		24,665.29
Water/Sewer Capital		78,028.10
Grant		250.00
Trust		275.00
Unemployment Trust		0.00
Animal Control		170.75
Law Enforcement Trust		0.00
Tax Lien Trust		0.00
Public Defender Trust		0.00
Housing Trust		0.00
Escrow		<u>1,965.00</u>
Total		<u>\$1,280,456.84</u>

**CONSENT AGENDA**

Councilmember Bluth moved Resolutions 2022-226; 2022-227; 2022-228; 2022-229; 2022-230; 2022-231; 2022-232; 2022-233 and 2022-234 as a Consent Agenda; Councilmember Montferrat seconded.

Resolution 2022-226

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

**STATEWIDE INSURANCE FUND  
RESOLUTION TO RENEW THE FUND**

**WHEREAS**, a number of local units have joined together to form the Statewide Insurance Fund (“FUND”), a joint insurance fund, as permitted by N.J.S.A. 40A:10-36, *et seq.*; and

**WHEREAS**, (“LOCAL UNIT”) has complied with relevant law with regard to the acquisition of insurance; and

**WHEREAS**, the statutes and regulations governing the creation and operation of joint insurance funds contain elaborate restrictions and safeguards concerning the safe and efficient administration of such funds; and

**WHEREAS**, the LOCAL UNIT has determined that membership in the FUND is in the best interest of the LOCAL UNIT.

**WHEREAS** the LOCAL UNIT agrees to be a member of the FUND for a period of three (3) years, effective from **January 1, 2023** terminating on **January 1, 2026** at 12:01 a.m. standard time; and

**WHEREAS**, the LOCAL UNIT has never defaulted on claims, if self-insured, and has not been canceled for non-payment of insurance premiums for two (2) years prior to the date of this Resolution.

**NOW, THEREFORE, BE IT RESOLVED** that the LOCAL UNIT does hereby agree to join the Statewide Insurance Fund; and

**BE IT FURTHER RESOLVED** that to the extent required by law, the Local Unit shall provide notice of the Indemnity and Trust Agreement to the Office of the State Comptroller; and

**BE IT FURTHER RESOLVED** that the LOCAL UNIT will be afforded the following coverage(s):

Workers’ Compensation & Employer’s Liability  
Comprehensive General Liability  
Automobile Liability and Physical Damage  
Public Officials and Employment Practices Liability  
Property  
Inland Marine Boiler and Machinery  
Crime-Faithful Performance and Fidelity  
Pollution Liability  
Cyber Liability  
Non Owned Aircraft

**BE IT FURTHER RESOLVED** that the LOCAL UNIT’s Fund Commissioner is authorized and directed to execute the Indemnity and Trust Agreement and such other documents signifying the membership in the FUND as required by the FUND’s Bylaws and to deliver same to the Administrator of the FUND with the express reservation that said documents shall become effective only upon the LOCAL UNIT’s admissions to the FUND following approval of the FUND by the New Jersey Department of Banking and Insurance.

Resolution 2022-227

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

**RESOLUTION APPOINTING RISK MANAGEMENT CONSULTANT**

**WHEREAS**, the Borough of Hightstown (hereinafter “Local Unit”) has joined the Statewide Insurance Fund (hereinafter “Fund”), a joint insurance fund as defined in N.J.S.A. 40A:10-36 *et seq.*; and

**WHEREAS**, the Bylaws require participating members to appoint a Risk Management Consultant, as those positions are defined in the Bylaws, if requested to do so by the “Fund”; and

**WHEREAS**, the Local Unit has complied with relevant law with regard to the appointment of a Risk management Consultant; and

**WHEREAS**, the “Fund” has requested its members to appoint individuals or entities to that position.

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

1. Borough of Hightstown (Local Unit) hereby appoints Skylands Risk Management, Inc. its Risk Management Consultant.
2. The Mayor and Risk Management Consultant are hereby authorized to execute the Risk Management Consultant’s Agreement for the year 2023 in the form attached hereto.

Resolution 2022-228

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

**RESOLUTION APPOINTING FUND COMMISSIONER**

**WHEREAS**, the Borough of Hightstown (hereinafter “Local Unit”) is a member of the Statewide Insurance Fund (hereinafter “Fund”), a joint insurance fund as defined in N.J.S.A. 40A:10-36 *et seq.*; and

**WHEREAS**, the Fund’s Bylaws require participating members to appoint a Fund Commissioner.

**NOW, THEREFORE, BE IT RESOLVED** by the governing body of the Borough of Hightstown (Local Unit) that Dimitri Musing is hereby appointed as the Fund Commissioner for the Local Unit for the **Fund Year 2023**.

**BE IT FURTHER RESOLVED** that Margaret Riggio is hereby appointed as the Alternate Fund Commissioner for the Local Unit for the **Fund Year 2023**.

**BE IT FURTHER RESOLVED** that the Local Unit’s Fund Commissioner is authorized and directed to execute all such documents as required by the Fund.

Resolution 2022-229

*BOROUGH OF HIGHTSTOWN  
COUNTY OF MERCER*

STATE OF NEW JERSEY

**REAPPOINTING KENNETH LEWIS AS PUBLIC WORKS/WATER PLANT SUPERINTENDENT AND AUTHORIZING THE EXECUTION OF THE ASSOCIATED AGREEMENT**

**WHEREAS**, the Mayor and Council of the Borough of Hightstown, County of Mercer, have appointed Kenneth Lewis to serve as Public Works and Water Plant Superintendent; and

**WHEREAS**, Kenneth Lewis was reappointed as Public Works Superintendent and the Water Plant Superintendent pursuant to resolution 2020-44 on February 3, 2020 with said agreement being effective through December 31, 2022; and

**WHEREAS**, it is the desire of the Mayor to reappoint Kenneth Lewis of Roosevelt, NJ to continue to serve as Public Works Superintendent and Water Plant Superintendent for a period of five years from January 1, 2023 to December 31, 2027; and

**WHEREAS**, specific terms and conditions of employment for the Public Works Superintendent and Water Plant Superintendent have been set forth in the attached proposed written Employment Agreement.

**NOW, THEREFORE, BE IT RESOLVED**, that the Borough Council hereby provides its advice and consent to the Mayor’s reappointment of Kenneth Lewis of Roosevelt, NJ to continue to serve as the Public Works Superintendent and Water Plant Superintendent for the Borough of Hightstown, subject to the provisions specified in the attached employment agreement.

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

Resolution 2022-230

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

**AUTHORIZING THE REFUND OF TEMPORARY FOOD PERMIT FEES AND TEMPORARY FIRE PERMITS FEES**

**WHEREAS**, the Annual Hightstown Harvest Fair scheduled for Saturday, October 1, 2022, was cancelled due to inclement weather; and

**WHEREAS**, the Harvest Fair Committee offered vendors the opportunity to have any registration or permit fees transferred to their 2023 registration fees or request a refund; and

**WHEREAS**, the following individuals have requested a refund of fees paid for temporary food permits and temporary fire permits:

Letrice Thomas 327 Evanston Drive East Windsor, NJ 08520 \$35 – Temporary Food Permit	Siobhan Matias 8 Balamor Lane Ewing, NJ 08628 \$35 – Temporary Food Permit	LeRoy Saunders 23 Hindsdale Lane Willingboro, NJ 08046 \$35 – Temporary Food Permit \$54 – Temporary Fire Permit
Lisa Calamito Danchak	Judith’s Dessert Boutique	ML Food Services, LLC

23 Sand Road Milltown, NJ 08850 \$35 – Temporary Food Permit	26 Abelia Court Lawrenceville, NJ 08648 \$35 – Temporary Food Permit	Martina’s Kitchen Melts & Soups 323 Washington Road Sayreville, NJ 08872 \$35 – Temporary Food Permit \$54 – Temporary Fire Permit
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**NOW THEREFORE BE IT RESOLVED**, by the Mayor and Borough Council of the Borough of Hightstown that refunds for temporary food permits and temporary fire permits be issued as detailed herein.

Resolution 2022-231

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

**AUTHORIZING REFUND OF TAX OVERPAYMENT – 161-163 MECHANIC STREET**

**WHEREAS**, an overpayment of 2022 taxes were made for Block 17/Lot 6, 161-163 Mechanic Street in the amount of \$2,304.44, by the Mortgage Company; and

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

**WHEREAS**, the mortgage company, BSI Financial Services, 314 South Franklin Street, Titusville, PA, 16354, has requested that a refund be issued for the overpayment in the amount of \$2,304.44; and

**WHEREAS**, the Tax Collector has requested that said overpayment be refunded in the amount of \$2,304.44.

**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 \$2,304.44 to BSI Financial Services, 314 South Franklin Street, Titusville, PA, 16354, representing the tax overpayment as set forth herein.

Resolution 2022-232

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

**AUTHORIZING PAYMENT NO. 1– ADVANCED CONTROL SYSTEMS (WATER TREATMENT PLANT EMERGENCY GENERATOR AND FLOOD GATES)**

**WHEREAS**, on May 3, 2021, the Borough Council awarded a contract for the Water Treatment Plant Emergency Generator and Flood Gates to Advanced Control Systems, of Manalapan, New Jersey at the price of \$448,600.00; and

**WHEREAS**, the contractor has submitted a request for payment No. 1 in the amount of \$153,762.00, for partial payment through December 2, 2022; and

**WHEREAS**, the Borough Engineer has recommended approval of Payment Request No. 1 to the contractor in the amount of \$153,762.00.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown Payment

Request No. 1 to Advanced Control Systems, of Manalapan, New Jersey for \$153,762.00 is hereby approved as detailed herein, and the Deputy CFO is authorized to issue same.

Resolution 2022-233

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

**AUTHORIZING A TRANSFER OF FUNDS IN THE 2022 BUDGET**

**WHEREAS** N.J.S.A. 40A:4-58 provides that the governing body may authorize a transfer of funds in the budget during the last two months of the fiscal year.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the following transfers in the 2022 budget are hereby authorized:

<u>Current:</u>	<u>From</u>	<u>To</u>
<b>Office of Emergency Management</b>		
Other Expenses	2,000.00	
Group Insurance		
Other Expenses	10,000.00	
Parks & Recreation Open Space		
Other Expenses	7,500.00	
Landfill		
Other Expenses	25,000.00	
Legal Services Costs		
Other Expenses		25,000.00
<b>Engineer Services &amp; Costs</b>		
Other Expenses		2,000.00
<b>Uniform Construction Code</b>		
Salaries & Wages		2,000.00
<b>Housing &amp; Code Enforcement</b>		
Salaries & Wages		1,000.00
<b>Telephone</b>		
Other Expenses		3,000.00
<b>Gas Heating Oil</b>		
Other Expenses		1,500.00
<b>Recreation &amp; Open Space</b>		
Salaries & Wages		7,500.00



<b>Street Lighting</b>					
	Other Expenses				1,500.00
Planning & Zoning					
	Salaries & Wages				1,000.00
		<b>TOTALS</b>	<b>\$</b>	<b>44,500.00</b>	<b>\$</b>
					<b>44,500.00</b>

Resolution 2022-234  
*BOROUGH OF HIGHTSTOWN*  
*COUNTY OF MERCER*  
*STATE OF NEW JERSEY*

**RESOLUTION CANCELING 2022 APPROPRIATION BALANCES**

**WHEREAS**, the following 2022 Current Fund Operating budget appropriation balances remain unexpended:

Streets & Roads (Other Expenses) ..... \$10,000.00

Parks & Recreation (Other Expenses) ..... \$10,000.00

; and

**WHEREAS**, the following 2022 Water-Sewer Utility Operating budget appropriation balances remain unexpended:

Other Expenses ..... \$15,000.00

; and

**WHEREAS**, it is necessary to formally cancel said balances so that the unexpended balances offset estimated realized revenues;

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Hightstown, that the above listed unexpended balances of the Current Fund Operating 2022 Budget and the Water-Sewer Operating 2022 Budget be canceled.

**DISCUSSION**

**Flood Damage Prevention Ordinance**

Carmela Roberts, Borough Engineer, explained the draft ordinance as presented to Council. We are looking for concurrence of draft ordinance so this can be sent to DEP. This ordinance is needed to stay in State Flood Insurance Program. This is necessary so any homeowner in the Borough can purchase flood insurance. Ms. Roberts explained that using 2 feet elevations will keep Hightstown consistent with new State Stormwater regulations which will be updated in March of 2023. This affects rebuilds, new construction and additions of any property in or close to the flood line. This ordinance will not change the flood map, just the elevations.

Discussion ensued. Following a unanimous straw vote, Council instructed the engineer, attorney and clerk to complete the formatting of the ordinance and send the draft to the DEP for approval before introduction.

## **MAYOR/COUNCIL/ADMINISTRATIVE REPORTS**

### **Councilmember Montferrat**

- He continues to work with the construction office on property maintenance. If anyone sees any violations, please call the construction office.

### **Councilmember Cicalese**

- Board of Health
  - Received an update on Covid numbers. There seems to be higher amount in the senior population.
  - There were 6 clinics in November.
  - The Health Department hired 1 new professional to coordinate with at risk populations.
- Thank you to The Mayor and Councilmember Misiura for their years of service on Council.

### **Councilmember Misiura**

- Planning Board
  - Undergoing evaluation of lake front properties to see if this is an area in need of redevelopment. Properties to look at are the Tavern, Wells Fargo Bank and The Baptist Church property. Flood setbacks are a concern at the Tavern and a portion of the Baptist church. The Bank property seems ok. There is also concern regarding the 100 foot buffer for wood turtle. It seems as though the Bank property is the only area in need of redevelopment.
  - Affordable Housing – housing element of master plan. This is a long process and designation is based on COAH rules. A draft report was prepared. Council approval is not need but zoning changes may need to happen. Council will be given the report to review before a presentation is given by the Planning Board.
- He stated that it has been a pleasure working with everyone. Wished everyone luck moving forward. Thank all of the professionals he has worked with over the years.

### **Councilmember Fowler**

- Downtown Hightstown
  - The flower baskets for downtown have been ordered and will be delivered in May.
- Mayor Quattrone and Councilmember Misiura for their service. It has been an honor to serve with both of them.

### **Councilmember Jackson**

- Hpc – is in need of volunteers.
- Wished everyone happy holidays.

- Thanked Mayor Quattrone and Councilmember Misiura.

**Council President Bluth**

- Cultural Arts Commission – Annual Sing-a-long took place last night at Memorial Park.
- Wished everyone Happy Holidays and Happy New Year. Looking forward to seeing everyone on January 3<sup>rd</sup>.

**George Lang, CFO**

- Working on closing out the year
- Will be getting budget request sheets out to departments before the end of the year.

**Fred Raffetto, Borough Attorney**

- Stated that his has been an honor and privilege to work with both Mayor Quattrone and Councilmember Misiura over the years.

**Dimitri Musing, Borough Administrator**

- Sewer Lateral Replacement was done on Mercer and Summit Street. Work was completed today. Thanked Ms. Roberts, Chief Gendron and Ken Lewis for helping make sure everything was completed.
- Thanked Mayor Quattrone and Councilmember Misiura for their dedication and hard work over the years. He enjoyed working with both over the years. He feels that they both made a difference to the residents and employees of Hightstown Borough.

**Mayor Quattrone**

Stated that he got involved on Council and then didn't want to quit. Thanked Councilmember Misiura. Stated that it has been a pleasure to serve the residents of Hightstown. Thanked his wife Judy for her support over the years and wished the new Council good luck. He will be here on January to turn the gavel over to Ms. Bluth.

**EXECUTIVE SESSION**

**Resolution 2022-235 Authorizing a Meeting that Excludes the Public**

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 2022-235

*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 December 19, 2022, at the Hightstown Fire House located at 140 North Main Street, Hightstown, 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 – AWWTP Superintendent

Contract Negotiations – Professional Services

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 March 19, 2023, 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.

Adjourned to executive session at 7:32 p.m.

Council returned to public session at 8:18 p.m.

**Resolution 2022-236 A Resolution Authorizing the Execution of a First Amendment to the Employment Agreement with William Searing to Continue to Serve as Superintendent of the Borough’s Wastewater Treatment Plant.**

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 2022-236

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

**A RESOLUTION AUTHORIZING THE EXECUTION OF A FIRST AMENDMENT  
TO THE EMPLOYMENT AGREEMENT WITH WILLIAM SEARING TO  
CONTINUE TO SERVE AS SUPERINTENDENT OF THE  
BOROUGH’S WASTEWATER TREATMENT PLANT.**

**WHEREAS**, on January 1, 2020, the Borough of Hightstown (the “Borough”) entered into an Employment Agreement (the “Employment Agreement”) with William Searing (“Searing”) relating to Searing’s employment in the position of Superintendent of the Borough’s Wastewater Treatment Plant covering the time period from January 1, 2020 through December 31, 2022; and

**WHEREAS**, Searing intends to retire from public service as of February 28, 2023; and

**WHEREAS**, the Borough and Searing wish to extend the Employment Agreement through February 28, 2023, so that Searing may continue to perform all of the responsibilities of Superintendent through that date; and

**WHEREAS**, during that time, Searing shall additionally provide assistance, mentoring, training and other services to the new employee who will be taking over the responsibilities of the Superintendent position after Searing's retirement; and

**WHEREAS**, the terms and conditions associated with the extended period of Searing's employment are set forth in the attached proposed First Amendment to Employment Agreement.

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

1. That the Borough Council hereby approves the attached First Amendment to Employment Agreement concerning the position of Superintendent of the Borough's Wastewater Treatment Plant, in accordance with the provisions set forth above.
2. That the Mayor is authorized to execute, and the Borough Clerk to attest, the attached First Amendment to Employment Agreement.
3. That a certified copy of this Resolution, along with the attached First Amendment to Employment Agreement, shall be provided to each of the following:
  - a. Dimitri Musing, Borough Administrator;
  - b. Frederick C. Raffetto, Esq., Borough Attorney; and
  - c. Robert J. Merryman, Esq., Borough Labor Counsel.

**ADJOURNMENT 8:22 p.m.**

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

Respectfully Submitted,



Margaret Riggio  
Borough Clerk

Approved by Hightstown Borough Council: January 17, 2023