

AGENDA
Hightstown Borough Council
March 6, 2023 | 6:30 p.m.
Hightstown Engine Company No. 1
140 North Main Street, Hightstown

PLEASE TURN OFF ALL CELL PHONES DURING YOUR ATTENDANCE AT THIS MEETING TO AVOID SOUNDS/RINGING OR CONVERSATIONS THAT MAY INTERFERE WITH THE RECORDING OR THE ABILITY OF ATTENDEES TO HEAR THE PROCEEDINGS. THANK YOU FOR YOUR COOPERATION.

Meeting called to order by Mayor Susan Bluth

STATEMENT: 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 advertised in the Trenton Times and Windsor-Hights Herald as required by law and is posted on the Hightstown Borough website.

Roll Call

Flag Salute

Approval of Agenda

Approval of Minutes February 21, 2023 – Public Session
February 21, 2023 – Executive Session

Public Comment Any person wishing to address Council with his or her comments will have a maximum of three minutes to do so at this time.

Ordinances **2023-04 Final Reading and Public Hearing** An Ordinance Authorizing the Sale of Block 62, Lot 15 (105 Springcrest Drive), in the Borough of Hightstown, County of Mercer, State of New Jersey, Pursuant to N.J.S.A. 40A:12-1, et seq.

Resolutions **2023-61** Authorizing Payment of Bills
2023-62 Amending the Personnel Policy Manual of the Borough of Hightstown

Consent Agenda **2023-63** Resolution Making and Confirming Appointment for the Environmental Commission
2023-64 Authorizing Payment No. 2 – Advanced Control Systems (Water Treatment Plant Emergency Generator and Flood Gates)
2023-65 Resolution Authorizing the Purchase of Replacement Water Meters for the Hightstown Borough Water Plant from Core & Main
2023-66 Designating Saturday, April 22, 2023, as Arbor Day in the Borough of Hightstown

2023-67 Authorizing Payment No. 3 (Final) Earle Asphalt Company (Improvements to Stockton Street & Joseph Street – C.R. 571)

2023-68 Authorizing Final Payment – Omsum Engineering (Inspection and Administration Services Associated with Improvements to Stockton Street & Joseph Street)

Discussion

Subcommittee Reports

Mayor/Council/Administrative Updates

Executive Session **Resolution 2023-69** Authorizing a Meeting that Excludes the Public
Contract Negotiations – Housing Authority Cooperation Agreement

Adjournment

**Meeting Minutes
Hightstown Borough Council
February 21, 2023
6:30 p.m.**

The meeting was called to order by Mayor Bluth at 6:30 p.m. and he read the Open Public Meetings Act statement which stated, “Adequate notice of this meeting has been given in accordance with the Open Public Meetings Act, pursuant to Public Law 1975, Chapter 231. Said notice was sent to the *Trenton Times* and the *Windsor-Hights Herald*, and is posted on the Borough website.”

The flag salute followed Roll Call.

	PRESENT	ABSENT
<i>Councilmember Joseph Cicalese</i>	✓	
<i>Councilmember Cristina Fowler</i>	✓	
<i>Councilmember Todd Frantz</i>	✓	
<i>Councilmember Jeet Gulati</i>	✓	
<i>Councilmember Joshua Jackson</i>	✓	
<i>Councilmember Frederick Montferrat</i>	✓	
<i>Mayor Susan Bluth</i>	✓	

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

The Flag Salute followed roll call.

APPROVAL OF AGENDA

Moved by Councilmember Montferrat; Seconded by Councilmember Fowler.

Roll Call Vote: Councilmembers Cicalese, Fowler, Frantz, Gulati, Jackson and Montferrat voted yes.

Agenda approved 6-0.

APPROVAL OF MINUTES

Councilmember Jackson moved the following minutes for approval:

February 6, 2023 – Public Session

February 6, 2023 – Executive Session

Seconded by Councilmember Cicalese.

Roll Call Vote: Councilmembers Cicalese, Fowler, Frantz, Gulati, Jackson and Montferrat voted yes.

Minutes approved 6-0.

PUBLIC COMMENT

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

Eugene Sarafin, 628 South Main Street – Spoke about the proposed warehouse on Mercer Street, East Windsor. Questioned why council isn't contacting the County and State about planning. Quality of life is more important than tax revenue.

Deborah McMillan, 153 East Ward Street – Asked about the progress on the East Ward Street Bridge. She also asked for an explanation on the Flood Plain Ordinance. She does not understand the impact.

Scott Caster, 12 Clover Lane – Spoke about the proposed warehouse on Mercer Street. Stated that this will not be just one warehouse; it will be many. He said that it was disappointing that Hightstown did not have an official presence at the East Windsor Zoning Board meeting last week. There is no consideration for Hightstown in the planning. This warehouse will change Hightstown. The tracker trailers that come along with the warehouse will affect the quality of life for Hightstown. In May of 2012 both Hightstown and East Windsor adopted a revitalization plan for the Route 33 Corridor. There was no warehouse in that plan.

Alex Constantino, 360 South Main Street – He believes that truck traffic has increased in the past 10 years. Asked how the town is notified about these projects. He feels that Hightstown should send their professionals to the next zoning meeting in East Windsor. He stated that he is concerned about transparency. He does not think our infrastructure cannot withstand the truck traffic.

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

ORDINANCES

Ordinance 2023-01 Final Reading and Public Hearing An Ordinance Establishing New Floodplain Management Regulations for the Borough of Hightstown, and Amending and

Supplementing “The Revised General Ordinances of the Borough of Hightstown” in Order to Repeal the Existing Provisions of Chapter 24, Entitled “Flood Damage Prevention,” in their Entirety, and to Establish a New Chapter 24 Thereof Concerning “Flood Damage Prevention”

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

Eugene Sarafin 628 South Main Street – Does not understand why DEP will not allow Hightstown to enlarge the culvert on Bank Street.

Deborah McMillan, 153 East Ward Street – Stated that she still does not understand what this ordinance means.

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

Mr. Raffetto explained the ordinance. This will only affect the elevation of new structures in a flood area. The Borough Engineer may be able to prepare a document that explains the ordinance in layman’s terms.

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

Roll Call Vote: Councilmembers Cicalese, Fowler, Frantz, Gulati, Jackson and Montferrat voted yes.

Ordinance adopted 6-0.

Ordinance 2023-01

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

AN ORDINANCE ESTABLISHING NEW FLOODPLAIN MANAGEMENT REGULATIONS FOR THE BOROUGH OF HIGHTSTOWN, AND AMENDING AND SUPPLEMENTING “THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN” IN ORDER TO REPEAL THE EXISTING PROVISIONS OF CHAPTER 24, ENTITLED “FLOOD DAMAGE PREVENTION,” IN THEIR ENTIRETY, AND TO ESTABLISH A NEW CHAPTER 24 THEREOF CONCERNING “FLOOD DAMAGE PREVENTION.”

WHEREAS, the Legislature of the State of New Jersey has, in N.J.S.A. 40:48, *et seq.* and N.J.S.A. 40:55D, *et seq.*, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the Federal Emergency Management Agency has identified special flood hazard areas within the boundaries of the Borough of Hightstown (the “Borough”) and such areas may be subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare, and

WHEREAS, the Borough was accepted for participation in the National Flood Insurance Program on **March 15, 1977** and the Mayor and Council desire to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59, 60, 65 and 70 necessary for such participation; and

WHEREAS, the Borough is required, pursuant to N.J.A.C. 5:23, *et seq.*, to administer and enforce the State building codes, and such building codes contain certain provisions that apply to the design and construction of buildings and structures in flood hazard areas; and

WHEREAS, the Borough is required, pursuant to N.J.S.A. 40:49-5, to enforce zoning codes that secure safety from floods and contain certain provisions that apply to the development of lands; and

WHEREAS, the Borough is required, pursuant to N.J.S.A.58:16A-57, within 12 months after the delineation of any flood hazard area, to adopt rules and regulations concerning the development and use of land in the flood fringe area which at least conform to the standards promulgated by the New Jersey Department of Environmental Protection (NJDEP).

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, that the existing provisions contained within Chapter 24, entitled “Flood Damage Prevention,” of the “Revised General Ordinances of the Borough of Hightstown, New Jersey” (also referenced as the “Borough Code”) are hereby repealed in their entirety.

BE IT FURTHER ORDAINED, that the Floodplain Management Regulations set forth in the within Ordinance are hereby adopted by the Borough of Hightstown, and that a new Chapter 24 of the Borough Code, to be entitled “Flood Damage Prevention,” is hereby established as set forth below, to read as follows:

Chapter 24. Flood Damage Prevention

Article 24-1. Scope and Administration

§ 24-1-1. Title.

These regulations, in combination with the flood provisions of the Uniform Construction Code (UCC) N.J.A.C. 5:23 (hereinafter “Uniform Construction Code,” consisting of the Building Code, Residential Code, Rehabilitation Subcode, and related codes, and the New Jersey Flood

Hazard Area Control Act (hereinafter “FHACA”), N.J.A.C. 7:13, shall be known as the *Floodplain Management Regulations* of the Borough (hereinafter “these regulations”).

§ 24-1-2. Scope.

These regulations, in combination with the flood provisions of the Uniform Construction Code and FHACA shall apply to all proposed development in flood hazard areas established in Article 24-2 of these regulations.

§ 24-1-3. Purposes and Objectives.

The purposes and objectives of these regulations are to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific flood hazard areas through the establishment of comprehensive regulations for management of flood hazard areas, designed to:

- A. Protect human life and health.
- B. Prevent unnecessary disruption of commerce, access, and public service during times of flooding.
- C. Manage the alteration of natural floodplains, stream channels and shorelines;
- D. Manage filling, grading, dredging and other development which may increase flood damage or erosion potential.
- E. Prevent or regulate the construction of flood barriers which will divert floodwater or increase flood hazards.
- F. Contribute to improved construction techniques in the floodplain.
- G. Minimize damage to public and private facilities and utilities.
- H. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas.
- I. Minimize the need for rescue and relief efforts associated with flooding.
- J. Ensure that property owners, occupants, and potential owners are aware of property located in flood hazard areas.
- K. Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events.
- L. Meet the requirements of the National Flood Insurance Program for community participation set forth in Title 44 Code of Federal Regulations, Section 59.22.

§ 24-1-4. Coordination with Building Codes.

Pursuant to the requirement established in N.J.A.C. 5:23, the Uniform Construction Code, that the Borough administer and enforce the State building codes, the Mayor and Council of the Borough does hereby acknowledge that the Uniform Construction Code contains certain provisions that apply to the design and construction of buildings and structures in flood hazard areas. Therefore, these regulations are intended to be administered and enforced in conjunction with the Uniform Construction Code.

§ 24-1-5. Ordinary Building Maintenance and Minor Work.

Improvements defined as ordinary building maintenance and minor work projects by the Uniform Construction Code including non-structural replacement-in-kind of windows, doors, cabinets, plumbing fixtures, decks, walls, partitions, new flooring materials, roofing, etc. shall be evaluated by the Floodplain Administrator through the floodplain development permit to ensure compliance with the Substantial Damage and Substantial Improvement Article 24-3-14 of this ordinance.

§ 24-1-6. Warning.

The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. Enforcement of these regulations does not imply that land outside the special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage.

§ 24-1-7. Other Laws.

The provisions of these regulations shall not be deemed to nullify any provisions of local, State, or Federal law.

§ 24-1-8. Violations and Penalties for Noncompliance.

No structure or land shall hereafter be constructed, re-located to, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a violation under N.J.S.A. 40:49-5. Any person who violates this ordinance or fails to comply with any of its requirements shall be subject to one (1) or more of the following: a fine of not more than \$1,250, imprisonment for a term not exceeding ninety (90) days or a period of community service not exceeding 90 days.

Each day in which a violation of an ordinance exists shall be considered to be a separate and distinct violation subject to the imposition of a separate penalty for each day of the violation as the Court may determine except that the owner will be afforded the opportunity to cure or abate the condition during a 30 day period and shall be afforded the opportunity for a hearing before the

court for an independent determination concerning the violation. Subsequent to the expiration of the 30 day period, a fine greater than \$1,250 may be imposed if the court has not determined otherwise, or if upon reinspection of the property, it is determined that the abatement has not been substantially completed.

Any person who is convicted of violating an ordinance within one year of the date of a previous violation of the same ordinance and who was fined for the previous violation, shall be sentenced by a court to an additional fine as a repeat offender. The additional fine imposed by the court upon a person for a repeated offense shall not be less than the minimum or exceed the maximum fine fixed for a violation of the ordinance, but shall be calculated separately from the fine imposed for the violation of the ordinance.

A. Solid Waste Disposal in a Flood Hazard Area.

Any person who has unlawfully disposed of solid waste in a floodway or floodplain who fails to comply with this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$2,500 or up to a maximum penalty by a fine not exceeding \$10,000 under N.J.S.A. 40:49-5.

§ 24-1-9. Abrogation and Greater Restrictions.

These regulations supersede any ordinance in effect in flood hazard areas. However, these regulations are not intended to repeal or abrogate any existing ordinances including land development regulations, subdivision regulations, zoning ordinances, stormwater management regulations, or building codes. In the event of a conflict between these regulations and any other ordinance, code, or regulation, the more restrictive shall govern.

Article 24-2. Applicability

§ 24-2-1. General.

These regulations, in conjunction with the Uniform Construction Code, provide minimum requirements for development located in flood hazard areas, including the subdivision of land and other developments; site improvements and installation of utilities; placement and replacement of manufactured homes; placement of recreational vehicles; new construction and alterations, repair, reconstruction, rehabilitation or additions of existing buildings and structures; substantial improvement of existing buildings and structures, including repair of substantial damage; installation of tanks; temporary structures and temporary or permanent storage; utility and miscellaneous Group U buildings and structures; and certain building work exempt from permit under the Uniform Construction Code; and other buildings and development activities.

§ 24-2-2. Establishment of Flood Hazard Areas.

The Borough was accepted for participation in the National Flood Insurance Program on March 15, 1977.

The National Flood Insurance Program (NFIP) floodplain management regulations encourage that all Federal, State, and Local regulations that are more stringent than the minimum NFIP standards take precedence in permitting decisions. The FHACA requires that the effective Flood Insurance Rate Map, most recent preliminary FEMA mapping and flood studies, and Department delineations be compared to determine the most restrictive mapping. The FHACA also regulates unstudied flood hazard areas in watersheds measuring 50 acres or greater in size and most riparian zones in New Jersey. Because of these higher standards, the regulated flood hazard area in New Jersey may be more expansive and more restrictive than the FEMA Special Flood Hazard Area. Maps and studies that establish flood hazard areas are on file at the Borough Hall at 156 Bank Street, Hightstown, NJ in the Office of the Floodplain Administrator.

The following sources identify flood hazard areas in this jurisdiction and must be considered when determining the Best Available Flood Hazard Data Area:

A. Effective Flood Insurance Study.

Special Flood Hazard Areas (SFHAs) identified by the Federal Emergency Management Agency in a scientific and engineering report entitled Flood Insurance Study, Mercer County, (All Jurisdictions) dated July 20, 2016 and the accompanying Flood Insurance Rate Maps (FIRM) identified in Table 24-2-2(1) whose effective date is July 20, 2016. are hereby adopted by reference.

Table 24-2-2(1)

Map Panel #	Effective Date	Suffix	Map Panel #	Effective Date	Suffix
34021C0168	07/20/2016	F			
34021C0169	07/20/2016	F			

B. Federal Best Available Information.

The Borough shall utilize Federal flood information that provides more detailed hazard information, higher flood elevations, larger flood hazard areas, and results in more restrictive regulations. This information may include but is not limited to preliminary flood elevation guidance from FEMA (such as Advisory Flood Hazard Area Maps, Work Maps or Preliminary FIS and FIRM). Additional Federal Best Available studies issued after the date of this ordinance must also be considered. These studies are listed on FEMA’s Map Service Center. This information shall be used for floodplain regulation purposes only.

Table 24-2-2(2)

Map Panel #	Preliminary Date	Map Panel #	Preliminary Date
None as of the date of this ordinance			

C. Other Best Available Data.

The Borough shall utilize high water elevations from flood events, groundwater flooding areas, studies by federal or state agencies, or other information deemed appropriate by the Borough. Other “best available information” may not be used which results in less restrictive flood elevations, design standards, or smaller flood hazard areas than the sources described in Article 24-2-2A and B, above. This information shall be used for floodplain regulation purposes only.

Table 24-2-2(3)

Map Description	Ordinance Number	Date Effective	Date Withdrawn and Ordinance Number

D. State Regulated Flood Hazard Areas.

For State regulated waters, the NJ Department of Environmental Protection (NJDEP) identifies the flood hazard area as the land, and the space above that land, which lies below the “Flood Hazard Area Control Act Design Flood Elevation”, as defined in Article 24-9, and as described in the New Jersey Flood Hazard Area Control Act at N.J.A.C. 7:13. A FHACA flood hazard area exists along every regulated water that has a drainage area of 50 acres or greater. Such area may extend beyond the boundaries of the Special Flood Hazard Areas (SFHAs) as identified by FEMA. The following is a list of New Jersey State studied waters in this community under the FHACA, and their respective map identification numbers.

Table 24-2-2(4) List of State Studied Waters

Name of Studied Water	File Name	Map Number
Rocky Brook	SUPPVIII32	1
Rocky Brook	H0000249	7
Rocky Brook	H0000248	6
Rocky Brook	H0000275p	05p
Millstone River	H0000056	3
Millstone river	H0000246	4

§ 24-2-3. Establishing the Local Design Flood Elevation (LDFE).

The Local Design Flood Elevation (LDFE) is established in the flood hazard areas determined in Article 24-2-2, above, using the best available flood hazard data sources, and the Flood Hazard Area Control Act minimum Statewide elevation requirements for lowest floors in A, Coastal A, and V zones, ASCE 24 requirements for critical facilities as specified by the building code, plus additional freeboard as specified by this ordinance.

At a minimum, the Local Design Flood Elevation shall be as follows:

- A. For a delineated watercourse, the elevation associated with the Best Available Flood Hazard Data Area determined in Article 24-2-2, above plus two feet of freeboard; or
- B. For any undelineated watercourse (where mapping or studies described in Article 24-2-2A and B above are not available) that has a contributory drainage area of 50 acres or more, the applicants must provide one of the following to determine the Local Design Flood Elevation:
 - (1) A copy of an unexpired NJDEP Flood Hazard Area Verification plus one foot of freeboard and any additional freeboard as required by ASCE 24; or
 - (2) A determination of the Flood Hazard Area Design Flood Elevation using Method 5 or Method 6 (as described in N.J.A.C. 7:13) plus one foot of freeboard and any additional freeboard as required by ASCE 24. Any determination using these methods must be sealed and submitted according to Article 24-5-2 and 24-5-3.

C. AO Zones.

For Zone AO areas on the municipality's FIRM (or on preliminary flood elevation guidance from FEMA), the Local Design Flood Elevation is determined from the FIRM panel as the highest adjacent grade plus the depth number specified plus one foot of freeboard. If no depth number is specified, the Local Design Flood Elevation is three (3) feet above the highest adjacent grade.

D. Class IV Critical Facilities.

For any proposed development of new and substantially improved Flood Design Class IV Critical Facilities, the Local Design Flood Elevation must be the higher of the 0.2% annual chance (500 year) flood elevation or the Flood Hazard Area Design Flood Elevation with an additional 2 feet of freeboard in accordance with ASCE 24.

E. Class III Critical Facilities.

For proposed development of new and substantially improved Flood Design Class III Critical Facilities in coastal high hazard areas, the Local Design Flood Elevation must be the higher of the 0.2% annual chance (500 year) flood elevation or the Flood Hazard Area Design Flood Elevation with an additional 1 foot of freeboard in accordance with ASCE 24.

Article 24-3. Duties and Powers of the Floodplain Administrator

§ 24-3-1. Floodplain Administrator Designation.

The Construction Official is designated the Floodplain Administrator. The Floodplain Administrator shall have the authority to delegate performance of certain duties to other employees.

§ 24-3-2. General.

The Floodplain Administrator is authorized and directed to administer the provisions of these regulations. The Floodplain Administrator shall have the authority to render interpretations of these regulations consistent with the intent and purpose of these regulations and to establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be consistent with the intent and purpose of these regulations and the flood provisions of the building code and shall not have the effect of waiving specific requirements without the granting of a variance pursuant to Article 24-7 of these regulations.

§ 24-3-3. Coordination.

The Floodplain Administrator shall coordinate with the Construction Official to administer and enforce the flood provisions of the Uniform Construction Code.

§ 24-3-4. Duties.

The duties of the Floodplain Administrator shall include but are not limited to:

- A. Review all permit applications to determine whether proposed development is located in flood hazard areas established in Article 24-2 of these regulations.
- B. Require development in flood hazard areas to be reasonably safe from flooding and to be designed and constructed with methods, practices and materials that minimize flood damage.
- C. Interpret flood hazard area boundaries and provide available flood elevation and flood hazard information.
- D. Determine whether additional flood hazard data shall be obtained or developed.
- E. Review required certifications and documentation specified by these regulations and the building code to determine that such certifications and documentations are complete.
- F. Establish, in coordination with the Construction Official, written procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to Article 24-3-14 of these regulations.

- G. Coordinate with the Construction Official and others to identify and investigate damaged buildings located in flood hazard areas and inform owners of the requirement to obtain permits for repairs.
- H. Review requests submitted to the Construction Official seeking approval to modify the strict application of the flood load and flood resistant construction requirements of the Uniform Construction code to determine whether such requests require consideration as a variance pursuant to Article 24-7 of these regulations.
- I. Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps when the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within 6 months of such data becoming available.
- J. Require applicants who propose alteration of a watercourse to notify adjacent jurisdictions and the NJDEP Bureau of Flood Engineering, and to submit copies of such notifications to the Federal Emergency Management Agency (FEMA).
- K. Inspect development in accordance with Article 24-6 of these regulations and inspect flood hazard areas to determine if development is undertaken without issuance of permits.
- L. Prepare comments and recommendations for consideration when applicants seek variances in accordance with Article 24-7 of these regulations.
- M. Cite violations in accordance with Article 24-8 of these regulations.
- N. Notify the Federal Emergency Management Agency when the corporate boundaries of the Borough have been modified.
- O. Permit Ordinary Maintenance and Minor Work in the regulated areas discussed in Article 24-2-2.

§ 24-3-5. Use of Changed Technical Data.

The Floodplain Administrator and the applicant shall not use changed flood hazard area boundaries or base flood elevations for proposed buildings or developments unless the Floodplain Administrator or applicant has applied for a Conditional Letter of Map Revision (CLOMR) to the Flood Insurance Rate Map (FIRM) revision and has received the approval of the Federal Emergency Management Agency. A revision of the effective FIRM does not remove the related feature(s) on a flood hazard area delineation that has been promulgated by the NJDEP. A separate application must be made to the State pursuant to N.J.A.C. 7:13 for revision of a flood hazard design flood elevation, flood hazard area limit, floodway limit, and/or other related feature.

§ 24-3-6. Other Permits.

It shall be the responsibility of the Floodplain Administrator to assure that approval of a proposed development shall not be given until proof that necessary permits have been granted by Federal or State agencies having jurisdiction over such development, including section 404 of the Clean Water Act. In the event of conflicting permit requirements, the Floodplain Administrator must ensure that the most restrictive floodplain management standards are reflected in permit approvals.

§ 24-3-7. Determination of Local Design Flood Elevations.

If design flood elevations are not specified, the Floodplain Administrator is authorized to require the applicant to:

- A. Obtain, review, and reasonably utilize data available from a Federal, State, or other source, or
- B. Determine the design flood elevation in accordance with accepted hydrologic and hydraulic engineering techniques. Such analyses shall be performed and sealed by a licensed professional engineer. Studies, analyses, and computations shall be submitted in sufficient detail to allow review and approval by the Floodplain Administrator. The accuracy of data submitted for such determination shall be the responsibility of the applicant.

It shall be the responsibility of the Floodplain Administrator to verify that the applicant's proposed Best Available Flood Hazard Data Area and the Local Design Flood Elevation in any development permit accurately applies the best available flood hazard data and methodologies for determining flood hazard areas and design elevations described in Articles 24-2-2 and 24-2-3 respectively. This information shall be provided to the Construction Official and documented according to Article 24-3-15.

§ 24-3-8. Requirement to Submit New Technical Data.

Base Flood Elevations may increase or decrease resulting from natural changes (e.g. erosion, accretion, channel migration, subsidence, uplift) or man-made physical changes (e.g. dredging, filling, excavation) affecting flooding conditions. As soon as practicable, but not later than six months after the date of a man-made change or when information about a natural change becomes available, the Floodplain Administrator shall notify the Federal Insurance Administrator of the changes by submitting technical or scientific data in accordance with Title 44 Code of Federal Regulations Section 65.3. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements will be based upon current data.

§ 24-3-9. Activities in Riverine Flood Hazard Areas.

In riverine flood hazard areas where design flood elevations are specified but floodways have not been designated, the Floodplain Administrator shall not permit any new construction, substantial improvement or other development, including the placement of fill, unless the applicant submits an engineering analysis prepared by a licensed professional engineer that demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachment, will not increase the design flood elevation more than 0.2 feet at any point within the community.

§ 24-3-10. Floodway Encroachment.

Prior to issuing a permit for any floodway encroachment, including fill, new construction, substantial improvements and other development or land-disturbing-activity, the Floodplain Administrator shall require submission of a certification prepared by a licensed professional engineer, along with supporting technical data, that demonstrates that such development will not cause any increase in the base flood level.

A. Floodway revisions.

- (1) A floodway encroachment that increases the level of the base flood is authorized if the applicant has applied for a Conditional Letter of Map Revision (CLOMR) to the Flood Insurance Rate Map (FIRM) and has received the approval of FEMA.**

§ 24-3-11. Watercourse Alteration.

Prior to issuing a permit for any alteration or relocation of any watercourse, the Floodplain Administrator shall require the applicant to provide notification of the proposal to the appropriate authorities of all adjacent government jurisdictions, as well as the NJDEP Bureau of Flood Engineering and the Division of Land Resource Protection. A copy of the notification shall be maintained in the permit records and submitted to FEMA.

A. Engineering analysis.

- (1) The Floodplain Administrator shall require submission of an engineering analysis prepared by a licensed professional engineer, demonstrating that the flood-carrying capacity of the altered or relocated portion of the watercourse will be maintained, neither increased nor decreased. Such watercourses shall be maintained in a manner that preserves the channel's flood-carrying capacity.**

§ 24-3-12. Alterations in Coastal Areas.

The excavation or alteration of sand dunes is governed by the New Jersey Coastal Zone Management (CZM) rules, N.J.A.C. 7:7. Prior to issuing a flood damage prevention permit for any alteration of sand dunes in coastal high hazard areas and Coastal A Zones, the Floodplain Administrator shall require that a New Jersey CZM permit be obtained and included in the flood damage prevention permit application. The applicant shall also provide documentation of any engineering analysis, prepared by a licensed professional engineer, that demonstrates that the proposed alteration will not increase the potential for flood damage.

§ 24-3-13. Development in Riparian Zones.

All development in Riparian Zones as described in N.J.A.C. 7:13 is prohibited by this ordinance

unless the applicant has received an individual or general permit or has complied with the requirements of a permit by rule or permit by certification from NJDEP Division of Land Resource Protection prior to application for a floodplain development permit and the project is compliant with all other Floodplain Development provisions of this ordinance. The width of the riparian zone can range between 50 and 300 feet and is determined by the attributes of the waterbody and designated in the New Jersey Surface Water Quality Standards N.J.A.C. 7:9B. The portion of the riparian zone located outside of a regulated water is measured landward from the top of bank. Applicants can request a verification of the riparian zone limits or a permit applicability determination to determine State permit requirements under N.J.A.C. 7:13 from the NJDEP Division of Land Resource Protection.

§ 24-3-14. Substantial Improvement and Substantial Damage Determinations.

When buildings and structures are damaged due to any cause including but not limited to man-made, structural, electrical, mechanical, or natural hazard events, or are determined to be unsafe as described in N.J.A.C. 5:23; and for applications for building permits to improve buildings and structures, including alterations, movement, repair, additions, rehabilitations, renovations, ordinary maintenance and minor work, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Construction Official, shall:

- A. Estimate the market value, or require the applicant to obtain a professional appraisal prepared by a qualified independent appraiser, of the market value of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made.
- B. Determine and include the costs of all ordinary maintenance and minor work, as discussed in Article 24-2-2, performed in the floodplain regulated by this ordinance in addition to the costs of those improvements regulated by the Construction Official in substantial damage and substantial improvement calculations.
- C. Compare the cost to perform the improvement, the cost to repair the damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, where applicable, to the market value of the building or structure.
- D. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage. This determination requires the evaluation of previous permits issued for improvements and repairs over a period of 10 years prior to the permit application or substantial damage determination as specified in the definition of substantial improvement. This determination shall also include the evaluation of flood related damages over a 10 year period to determine if the costs of repairs at the times of each flood constitutes a repetitive loss as defined by this ordinance.
- E. Notify the applicant in writing when it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the building code is required and notify the applicant in

writing when it is determined that work does not constitute substantial improvement or repair of substantial damage. The Floodplain Administrator shall also provide all letters documenting substantial damage and compliance with flood resistant construction requirements of the building code to the NJDEP Bureau of Flood Engineering.

§ 24-3-15. Department Records.

In addition to the requirements of the building code and these regulations, and regardless of any limitation on the period required for retention of public records, the Floodplain Administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of these regulations and the flood provisions of the Uniform Construction Code, including Flood Insurance Studies, Flood Insurance Rate Maps; documents from FEMA that amend or revise FIRMs; NJDEP delineations, records of issuance of permits and denial of permits; records of ordinary maintenance and minor work, determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required certifications and documentation specified by the Uniform Construction Code and these regulations including as-built Elevation Certificates; notifications to adjacent communities, FEMA, and the State related to alterations of watercourses; assurance that the flood carrying capacity of altered waterways will be maintained; documentation related to variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to these regulations and the flood resistant provisions of the Uniform Construction Code. The Floodplain Administrator shall also record the required elevation, determination method, and base flood elevation source used to determine the Local Design Flood Elevation in the floodplain development permit.

§ 24-3-16. Liability.

The Floodplain Administrator and any employee charged with the enforcement of these regulations, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by these regulations or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of these regulations shall be defended by legal representative of the jurisdiction until the final termination of the proceedings. The Floodplain Administrator and any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of these regulations.

Article 24-4. Permits

§ 24-4-1. Permits Required.

Any person, owner or authorized agent who intends to conduct any development in a flood hazard area shall first make application to the Floodplain Administrator and shall obtain the required permit. Depending on the nature and extent of proposed development that includes a building or

structure, the Floodplain Administrator may determine that a floodplain development permit or approval is required in addition to a building permit.

§ 24-4-2. Application for Permit.

The applicant shall file an application in writing on a form furnished by the Floodplain Administrator. Such application shall:

- A. Identify and describe the development to be covered by the permit.
- B. Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.
- C. Indicate the use and occupancy for which the proposed development is intended.
- D. Be accompanied by a site plan and construction documents as specified in Article 24-5 of these regulations, grading and filling plans and other information deemed appropriate by the Floodplain Administrator.
- E. State the valuation of the proposed work, including the valuation of ordinary maintenance and minor work.
- F. Be signed by the applicant or the applicant's authorized agent.

§ 24-4-3. Validity of Permit.

The issuance of a permit under these regulations or the Uniform Construction Code shall not be construed to be a permit for, or approval of, any violation of this appendix or any other ordinance of the jurisdiction. The issuance of a permit based on submitted documents and information shall not prevent the Floodplain Administrator from requiring the correction of errors. The Floodplain Administrator is authorized to prevent occupancy or use of a structure or site which is in violation of these regulations or other ordinances of this jurisdiction.

§ 24-4-4. Expiration.

A permit shall become invalid when the proposed development is not commenced within 180 days after its issuance, or when the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions shall be requested in writing and justifiable cause demonstrated. The Floodplain Administrator is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each.

§ 24-4-5. Suspension or Revocation.

The Floodplain Administrator is authorized to suspend or revoke a permit issued under these regulations wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or code of this jurisdiction.

Article 24-5. Site Plans and Construction Documents

§ 24-5-1. Information for Development in Flood Hazard Areas.

The site plan or construction documents for any development subject to the requirements of these regulations shall be drawn to scale and shall include, as applicable to the proposed development:

- A. Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations when necessary for review of the proposed development. For buildings that are located in more than one flood hazard area, the elevation and provisions associated with the most restrictive flood hazard area shall apply.
- B. Where base flood elevations or floodway data are not included on the FIRM or in the Flood Insurance Study, they shall be established in accordance with Article 24-5-2.
- C. Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than 5 acres and base flood elevations are not included on the FIRM or in the Flood Insurance Study, such elevations shall be established in accordance with Article 24-5-2(C) of these regulations.
- D. Location of the proposed activity and proposed structures, and locations of existing buildings and structures; in coastal high hazard areas and Coastal A zones, new buildings shall be located landward of the reach of mean high tide.
- E. Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
- F. Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose. The applicant shall provide an engineering certification confirming that the proposal meets the flood storage displacement limitations of N.J.A.C. 7:13.
- G. Extent of any proposed alteration of sand dunes.
- H. Existing and proposed alignment of any proposed alteration of a watercourse.
- I. Floodproofing certifications, V Zone and Breakaway Wall Certifications, Operations and Maintenance Plans, Warning and Evacuation Plans and other documentation required pursuant to FEMA publications.

The Floodplain Administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by these regulations but that are not required to be prepared by a registered design professional when it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance.

§ 24-5-2. Information in Flood Hazard Areas Without Base Flood Elevations (Approximate Zone A).

Where flood hazard areas are delineated on the effective or preliminary FIRM and base flood elevation data have not been provided, the applicant shall consult with the Floodplain Administrator to determine whether to:

- A. Use the Approximation Method (Method 5) described in N.J.A.C. 7:13 in conjunction with Appendix 1 of the FHACA to determine the required flood elevation.
- B. Obtain, review, and reasonably utilize data available from a Federal, State or other source when those data are deemed acceptable to the Floodplain Administrator to reasonably reflect flooding conditions.
- C. Determine the base flood elevation in accordance with accepted hydrologic and hydraulic engineering techniques according to Method 6 as described in N.J.A.C. 7:13. Such analyses shall be performed and sealed by a licensed professional engineer.

Studies, analyses, and computations shall be submitted in sufficient detail to allow review and approval by the Floodplain Administrator prior to floodplain development permit issuance. The accuracy of data submitted for such determination shall be the responsibility of the applicant. Where the data are to be used to support a Letter of Map Change (LOMC) from FEMA, the applicant shall be responsible for satisfying the submittal requirements and pay the processing fees.

§ 24-5-3. Analyses and Certifications by a Licensed Professional Engineer.

As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the applicant shall have the following analyses signed and sealed by a licensed professional engineer for submission with the site plan and construction documents:

- A. For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in Article 24-5-4 of these regulations and shall submit the Conditional Letter of Map Revision, if issued by FEMA, with the site plan and construction documents.
- B. For development activities proposed to be located in a riverine flood hazard area where base flood elevations are included in the FIS or FIRM but floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments will not increase the base flood elevation more than 0.2 feet at any point within the jurisdiction. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.

- C. For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained, neither increasing nor decreasing the channel's flood-carrying capacity. The applicant shall submit the analysis to FEMA as specified in Article 24-5-4 of these regulations. The applicant shall notify the chief executive officer of all affected adjacent jurisdictions, the NJDEP's Bureau of Flood Engineering and the Division of Land Resource Protection; and shall provide documentation of such notifications.
- D. For activities that propose to alter sand dunes in coastal high hazard areas (Zone V) and Coastal A Zones, an engineering analysis that demonstrates that the proposed alteration will not increase the potential for flood damage and documentation of the issuance of a New Jersey Coastal Zone Management permit under N.J.A.C. 7:7.
- E. For analyses performed using Methods 5 and 6 (as described in N.J.A.C. 7:13) in flood hazard zones without base flood elevations (approximate A zones).

§ 24-5-4. Submission of Additional Data.

When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a Letter of Map Change (LOMC) from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMS, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

Article 24-6. Inspections

§ 24-6-1. General.

Development for which a permit is required shall be subject to inspection. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of these regulations or the building code. Inspections presuming to give authority to violate or cancel the provisions of these regulations or the building code or other ordinances shall not be valid.

106.2§ 24-6-2. Inspections of Development.

The Floodplain Administrator shall inspect all development in flood hazard areas authorized by issuance of permits under these regulations. The Floodplain Administrator shall inspect flood hazard areas from time to time to determine if development is undertaken without issuance of a permit.

106.3§ 24-6-3. Buildings and Structures.

The Construction Official shall make or cause to be made, inspections for buildings and structures in flood hazard areas authorized by permit in accordance with the Uniform Construction Code,

N.J.A.C. 5:23.

A. Lowest floor elevation.

Upon placement of the lowest floor, including the basement, and prior to further vertical construction, certification of the elevation required in Article 24-15-2 shall be submitted to the Construction Official on an Elevation Certificate.

B. Lowest horizontal structural member.

In V zones and Coastal A zones, upon placement of the lowest floor, including the basement, and prior to further vertical construction, certification of the elevation required in Article 24-15-2 shall be submitted to the Construction Official on an Elevation Certificate.

C. Installation of attendant utilities.

(Electrical, heating, ventilating, air-conditioning, and other service equipment) and sanitary facilities elevated as discussed in Article 24-15-2.

D. Final inspection.

Prior to the final inspection, certification of the elevation required in Article 24-15-2 shall be submitted to the Construction Official on an Elevation Certificate.

§ 24-6-4. Manufactured Homes.

The Floodplain Administrator shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of these regulations and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted on an Elevation Certificate to the Floodplain Administrator prior to the final inspection.

Article 24-7. Variances

§ 24-7-1. General.

The Planning Board shall hear and decide requests for variances. The Planning Board shall base its determination on technical justifications submitted by applicants, the considerations for issuance in Article 24-7-5, the conditions of issuance set forth in Article 24-7-6, and the comments and recommendations of the Floodplain Administrator and, as applicable, the Construction Official. The Planning Board has the right to attach such conditions to variances as it deems necessary to further the purposes and objectives of these regulations.

§ 24-7-2. Historic Structures.

A variance to the substantial improvement requirements of this ordinance is authorized provided that the repair or rehabilitation of a historic structure is completed according to N.J.A.C. 5:23-6.33, Section 1612 of the International Building Code and R322 of the International Residential Code, the repair or rehabilitation will not preclude the structure's continued designation as a historic structure, the structure meets the definition of the historic structure as described by this ordinance, and the variance is the minimum necessary to preserve the historic character and design of the structure.

§ 24-7-3. Functionally Dependent Uses.

A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use provided the variance is the minimum necessary to allow the construction or substantial improvement, and that all due consideration has been given to use of methods and materials that minimize flood damage during the base flood and create no additional threats to public safety.

§ 24-7-4. Restrictions in Floodways.

A variance shall not be issued for any proposed development in a floodway when any increase in flood levels would result during the base flood discharge, as evidenced by the applicable analysis and certification required in Article 24-5-3(A) of these regulations.

§ 24-7-5. Considerations.

In reviewing requests for variances, all technical evaluations, all relevant factors, all other portions of these regulations, and the following shall be considered:

- A. The danger that materials and debris may be swept onto other lands resulting in further injury or damage.
- B. The danger to life and property due to flooding or erosion damage.
- C. The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners.
- D. The importance of the services provided by the proposed development to the community.
- E. The availability of alternate locations for the proposed development that are not subject to flooding or erosion and the necessity of a waterfront location, where applicable.
- F. The compatibility of the proposed development with existing and anticipated development.
- G. The relationship of the proposed development to the comprehensive plan and floodplain management program for that area.

- H. The safety of access to the property in times of flood for ordinary and emergency vehicles.
- I. The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwater and the effects of wave action, where applicable, expected at the site.
- J. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets, and bridges.

§ 24-7-6. Conditions for Issuance.

Variances shall only be issued upon:

- A. Submission by the applicant of a showing of good and sufficient cause that the unique characteristics of the size, configuration or topography of the site limit compliance with any provision of these regulations or renders the elevation standards of the building code inappropriate.
- B. A determination that failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable.
- C. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
- D. A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- E. Notification to the applicant in writing over the signature of the Floodplain Administrator that the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and that such construction below the base flood level increases risks to life and property.

Article 24-8. Violations

§ 24-8-1. Violations.

Any development in any flood hazard area that is being performed without an issued permit or that is in conflict with an issued permit shall be deemed a violation. A building or structure without the documentation of elevation of the lowest floor, the lowest horizontal structural member if in a V or Coastal A Zone, other required design certifications, or other evidence of compliance required by the building code is presumed to be a violation until such time as that documentation is provided.

§ 24-8-2. Authority.

The Floodplain Administrator is authorized to serve notices of violation or stop work orders to owners of property involved, to the owner's agent, or to the person or persons doing the work for development that is not within the scope of the Uniform Construction Code, but is regulated by these regulations and that is determined to be a violation.

§ 24-8-3. Unlawful Continuance.

Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed by N.J.S.A. 40:49-5 as appropriate.

§ 24-8-1. Review Period to Correct Violations.

A 30-day period shall be given to the property owner as an opportunity to cure or abate the condition. The property owner shall also be afforded an opportunity for a hearing before the court for an independent determination concerning the violation. Subsequent to the expiration of the 30-day period, a fine greater than \$1,250 may be imposed if a court has not determined otherwise or, upon reinspection of the property, it is determined that the abatement has not been substantially completed.

Article 24-9. Definitions

§ 24-9-1. General.

The following words and terms shall, for the purposes of these regulations, have the meanings shown herein. Other terms are defined in the Uniform Construction Code N.J.A.C. 5:23 and terms are defined where used in the International Residential Code and International Building Code (rather than in the definitions section). Where terms are not defined, such terms shall have ordinarily accepted meanings such as the context implies.

§ 24-9-2. Definitions.

30 DAY PERIOD

The period of time prescribed by N.J.S.A. 40:49-5 in which a property owner is afforded the opportunity to correct zoning and solid waste disposal after a notice of violation pertaining to this ordinance has been issued.

100 YEAR FLOOD ELEVATION

Elevation of flooding having a 1% annual chance of being equaled or exceeded in a given year which is also referred to as the Base Flood Elevation.

500 YEAR FLOOD ELEVATION

Elevation of flooding having a 0.2% annual chance of being equaled or exceeded in a given year.

A ZONES

Areas of 'Special Flood Hazard in which the elevation of the surface water resulting from a flood that has a 1% annual chance of equaling or exceeding the Base Flood Elevation (BFE) in any given year shown on the Flood Insurance Rate Map (FIRM) zones A, AE, AH, A1–A30, AR, AR/A, AR/AE, AR/A1– A30, AR/AH, and AR/AO. When used in reference to the development of a structure in this ordinance, A Zones are not inclusive of Coastal A Zones because of the higher building code requirements for Coastal A Zones.

AH ZONES

Areas subject to inundation by 1-percent-annual-chance shallow flooding (usually areas of ponding) where average depths are between one and three feet. Base Flood Elevations (BFEs) derived from detailed hydraulic analyses are shown in this zone.

AO ZONES

Areas subject to inundation by 1-percent-annual-chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between one and three feet.

ACCESSORY STRUCTURE

Accessory structures are also referred to as appurtenant structures. An accessory structure is a structure which is on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure. For example, a residential structure may have a detached garage or storage shed for garden tools as accessory structures. Other examples of accessory structures include gazebos, picnic pavilions, boathouses, small pole barns, storage sheds, and similar buildings.

AGRICULTURAL STRUCTURE

A structure used solely for agricultural purposes in which the use is exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural commodities, including the raising of livestock. Communities must require that new construction or substantial improvements of agricultural structures be elevated or floodproofed to or above the Base Flood Elevation (BFE) as any other nonresidential building. Under some circumstances it may be appropriate to wet-floodproof certain types of agricultural structures when located in wide, expansive floodplains through issuance of a variance. This should only be done for structures used for temporary storage of equipment or crops or temporary shelter for livestock and only in circumstances where it can be demonstrated that agricultural structures can be designed in such a manner that results in minimal damage to the structure and its contents and will create no additional threats to public safety. New construction or substantial improvement of livestock confinement buildings, poultry houses, dairy operations, similar livestock operations and any structure that represents more than a minimal investment must meet the elevation or dry-floodproofing requirements of 44 CFR 60.3(c)(3).

AREA OF SHALLOW FLOODING

A designated Zone AO, AH, AR/AO or AR/AH (or VO) on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an

average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD HAZARD

See SPECIAL FLOOD HAZARD AREA.

ALTERATION OF A WATERCOURSE

A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

ASCE 7

The standard for the Minimum Design Loads for Buildings and Other Structures, referenced by the building code and developed and published by the American Society of Civil Engineers, Reston, VA. which includes but is not limited to methodology and equations necessary for determining structural and flood-related design requirements and determining the design requirements for structures that may experience a combination of loads including those from natural hazards. Flood related equations include those for determining erosion, scour, lateral, vertical, hydrostatic, hydrodynamic, buoyancy, breaking wave, and debris impact.

ASCE 24

The standard for Flood Resistant Design and Construction, referenced by the building code and developed and published by the American Society of Civil Engineers, Reston, VA. References to ASCE 24 shall mean ASCE 24-14 or the most recent version of ASCE 24 adopted in the UCC Code [N.J.A.C. 5:23].

BASE FLOOD ELEVATION (BFE)

The water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year, as shown on a published Flood Insurance Study (FIS), or preliminary flood elevation guidance from FEMA. May also be referred to as the “100-year flood elevation”.

BASEMENT

Any area of the building having its floor subgrade (below ground level) on all sides.

BEST AVAILABLE FLOOD HAZARD DATA

The most recent available preliminary flood risk guidance FEMA has provided. The Best Available Flood Hazard Data may be depicted on but not limited to Advisory Flood Hazard Area Maps, Work Maps, or Preliminary FIS and FIRM.

BEST AVAILABLE FLOOD HAZARD DATA AREA

The areal mapped extent associated with the most recent available preliminary flood risk guidance FEMA has provided. The Best Available Flood Hazard Data may be depicted on

but not limited to Advisory Flood Hazard Area Maps, Work Maps, or Preliminary FIS and FIRM.

BEST AVAILABLE FLOOD HAZARD DATA ELEVATION

The most recent available preliminary flood elevation guidance FEMA has provided. The Best Available Flood Hazard Data may be depicted on but not limited to Advisory Flood Hazard Area Maps, Work Maps, or Preliminary FIS and FIRM.

BREAKAWAY WALLS

Any type of wall subject to flooding that is not required to provide structural support to a building or other structure and that is designed and constructed such that, below the Local Design Flood Elevation, it will collapse under specific lateral loads such that (1) it allows the free passage of floodwaters, and (2) it does not damage the structure or supporting foundation system. Certification in the V Zone Certificate of the design, plans, and specifications by a licensed design professional that these walls are in accordance with accepted standards of practice is required as part of the permit application for new and substantially improved V Zone and Coastal A Zone structures. A completed certification must be submitted at permit application.

BUILDING

Per the FHACA, “Building” means a structure enclosed with exterior walls or fire walls, erected and framed of component structural parts, designed for the housing, shelter, enclosure, and support of individuals, animals, or property of any kind. A building may have a temporary or permanent foundation. A building that is intended for regular human occupation and/or residence is considered a habitable building.

CONDITIONAL LETTER OF MAP REVISION

A Conditional Letter of Map Revision (CLOMR) is FEMA's comment on a proposed project that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA). The letter does not revise an effective NFIP map, it indicates whether the project, if built as proposed, would be recognized by FEMA. FEMA charges a fee for processing a CLOMR to recover the costs associated with the review that is described in the Letter of Map Change (LOMC) process. Building permits cannot be issued based on a CLOMR, because a CLOMR does not change the NFIP map.

CONDITIONAL LETTER OF MAP REVISION - FILL

A Conditional Letter of Map Revision - Fill (CLOMR-F) is FEMA's comment on a proposed project involving the placement of fill outside of the regulatory floodway that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA). The letter does not revise an effective NFIP map, it indicates whether the project, if built as proposed, would be recognized by FEMA. FEMA charges a fee for processing a CLOMR to recover the costs associated with the review that is described in the Letter of Map Change (LOMC)

process. Building permits cannot be issued based on a CLOMR, because a CLOMR does not change the NFIP map.

CRITICAL BUILDING

Per the FHACA, “Critical Building” means that:

- A. It is essential to maintaining continuity of vital government operations and/or supporting emergency response, sheltering, and medical care functions before, during, and after a flood, such as a hospital, medical clinic, police station, fire station, emergency response center, or public shelter; or
- B. It serves large numbers of people who may be unable to leave the facility through their own efforts, thereby hindering or preventing safe evacuation of the building during a flood event, such as a school, college, dormitory, jail or detention facility, day care center, assisted living facility, or nursing home.

DEVELOPMENT

Any manmade change to improved or unimproved real estate, including but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of materials, mining, dredging, filling, grading, paving, excavations, drilling operations and other land-disturbing activities.

DRY FLOODPROOFING

A combination of measures that results in a non-residential structure, including the attendant utilities and equipment as described in the latest version of ASCE 24, being watertight with all elements substantially impermeable and with structural components having the capacity to resist flood loads.

ELEVATED BUILDING

A building that has no basement and that has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns. Solid perimeter foundations walls are not an acceptable means of elevating buildings in V and VE Zones.

ELEVATION CERTIFICATE

An administrative tool of the National Flood Insurance Program (NFIP) that can be used to provide elevation information, to determine the proper insurance premium rate, and to support an application for a Letter of Map Amendment (LOMA) or Letter of Map Revision based on fill (LOMR-F).

ENCROACHMENT

The placement of fill, excavation, buildings, permanent structures or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.

FEMA PUBLICATIONS

Any publication authored or referenced by FEMA related to building science, building

safety, or floodplain management related to the National Flood Insurance Program. Publications shall include but are not limited to technical bulletins, desk references, and American Society of Civil Engineers Standards documents including ASCE 24.

FLOOD OR FLOODING

- A. A general and temporary condition of partial or complete inundation of normally dry land areas from:
- (1) The overflow of inland or tidal waters.
 - (2) The unusual and rapid accumulation or runoff of surface waters from any source.
 - (3) Mudslides (i.e. mudflows) which are proximately caused by flooding as defined in (A)(2) of this definition and are akin to a river or liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
- B. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (A)(1) of this definition.

FLOOD HAZARD AREA DESIGN FLOOD ELEVATION

Per the FHACA, the peak water surface elevation that will occur in a water during the flood hazard area design flood. This elevation is determined via available flood mapping adopted by the State, flood mapping published by FEMA (including effective flood mapping dated on or after January 31, 1980, or any more recent advisory, preliminary, or pending flood mapping; whichever results in higher flood elevations, wider floodway limits, greater flow rates, or indicates a change from an A zone to a V zone or coastal A zone), approximation, or calculation pursuant to the Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-3.1 - 3.6 and is typically higher than FEMA's base flood elevation. A water that has a drainage area measuring less than 50 acres does not possess, and is not assigned, a flood hazard area design flood elevation.

FLOOD INSURANCE RATE MAP (FIRM)

The official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY (FIS)

The official report in which the Federal Emergency Management Agency has provided

flood profiles, as well as the Flood Insurance Rate Map(s) and the water surface elevation of the base flood.

FLOODPLAIN OR FLOOD PRONE AREA

Any land area susceptible to being inundated by water from any source. See "Flood or Flooding."

FLOODPLAIN MANAGEMENT REGULATIONS

Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance, and erosion control ordinance) and other applications of police power. The term describes such State or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

FLOODPROOFING

Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

FLOODPROOFING CERTIFICATE

Certification by a licensed design professional that the design and methods of construction for floodproofing a non-residential structure are in accordance with accepted standards of practice to a proposed height above the structure's lowest adjacent grade that meets or exceeds the Local Design Flood Elevation. A completed floodproofing certificate is required at permit application.

FLOODWAY

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 0.2 foot.

FREEBOARD

A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

FUNCTIONALLY DEPENDENT USE

A use that cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities necessary for the loading or unloading of cargo or passengers, and shipbuilding and ship repair facilities. The term does not include long-term storage or related manufacturing facilities.

HABITABLE BUILDING

Pursuant to the FHACA Rules (N.J.A.C. 7:13), means a building that is intended for regular

human occupation and/or residence. Examples of a habitable building include a single-family home, duplex, multi-residence building, or critical building; a commercial building such as a retail store, restaurant, office building, or gymnasium; an accessory structure that is regularly occupied, such as a garage, barn, or workshop; mobile and manufactured homes, and trailers intended for human residence, which are set on a foundation and/or connected to utilities, such as in a mobile home park (not including campers and recreational vehicles); and any other building that is regularly occupied, such as a house of worship, community center, or meeting hall, or animal shelter that includes regular human access and occupation. Examples of a non-habitable building include a bus stop shelter, utility building, storage shed, self-storage unit, construction trailer, or an individual shelter for animals such as a doghouse or outdoor kennel.

HARDSHIP

As related to Article 24-7 of this ordinance, meaning the exceptional hardship that would result from a failure to grant the requested variance. The Planning Board requires that the variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

HIGHEST ADJACENT GRADE

The highest natural elevation of the ground surface prior to construction next to the proposed or existing walls of a structure.

HISTORIC STRUCTURE

Any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- C. Individually listed on a State inventory of historic places in States with historic preservation programs which have been approved by the Secretary of the Interior;
or
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

- (1) By an approved State program as determined by the Secretary of the Interior; or
- (2) Directly by the Secretary of the Interior in States without approved programs.

LAWFULLY EXISTING

Per the FHACA, means an existing fill, structure and/or use, which meets all Federal, State, and local laws, and which is not in violation of the FHACA because it was established:

- A. Prior to January 31, 1980; or
- B. On or after January 31, 1980, in accordance with the requirements of the FHACA as it existed at the time the fill, structure and/or use was established.

Note: Substantially damaged properties and substantially improved properties that have not been elevated are not considered “lawfully existing” for the purposes of the NFIP. This definition is included in this ordinance to clarify the applicability of any more stringent statewide floodplain management standards required under the FHACA.

LETTER OF MAP AMENDMENT

A Letter of Map Amendment (LOMA) is an official amendment, by letter, to an effective National Flood Insurance Program (NFIP) map that is requested through the Letter of Map Change (LOMC) process. A LOMA establishes a property's location in relation to the Special Flood Hazard Area (SFHA). LOMAs are usually issued because a property has been inadvertently mapped as being in the floodplain but is actually on natural high ground above the base flood elevation. Because a LOMA officially amends the effective NFIP map, it is a public record that the community must maintain. Any LOMA should be noted on the community's master flood map and filed by panel number in an accessible location.

LETTER OF MAP CHANGE

The Letter of Map Change (LOMC) process is a service provided by FEMA for a fee that allows the public to request a change in flood zone designation in an Area of Special Flood Hazard on an Flood Insurance Rate Map (FIRM). Conditional Letters of Map Revision, Conditional Letters of Map Revision - Fill, Letters of Map Revision, Letters of Map Revision - Fill, and Letters of Map Amendment are requested through the Letter of Map Change (LOMC) process.

LETTER OF MAP REVISION

A Letter of Map Revision (LOMR) is FEMA's modification to an effective Flood Insurance Rate Map (FIRM). Letter of Map Revisions are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA). The LOMR officially revises the Flood Insurance Rate Map (FIRM) and sometimes the Flood Insurance Study (FIS) report, and when appropriate, includes a description of the

modifications. The LOMR is generally accompanied by an annotated copy of the affected portions of the FIRM or FIS report. Because a LOMR officially revises the effective NFIP map, it is a public record that the community must maintain. Any LOMR should be noted on the community's master flood map and filed by panel number in an accessible location.

LETTER OF MAP REVISION - FILL

A Letter of Map Revision Based on Fill (LOMR-F) is FEMA's modification of the Special Flood Hazard Area (SFHA) shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway may be initiated through the Letter of Map Change (LOMC) Process. Because a LOMR-F officially revises the effective Flood Insurance Rate Map (FIRM) map, it is a public record that the community must maintain. Any LOMR-F should be noted on the community's master flood map and filed by panel number in an accessible location.

LICENSED DESIGN PROFESSIONAL

Licensed design professional shall refer to either a New Jersey Licensed Professional Engineer, licensed by the New Jersey State Board of Professional Engineers and Land Surveyors or a New Jersey Licensed Architect, licensed by the New Jersey State Board of Architects.

LICENSED PROFESSIONAL ENGINEER

A licensed professional engineer shall refer to individuals licensed by the New Jersey State Board of Professional Engineers and Land Surveyors.

LOCAL DESIGN FLOOD ELEVATION (LDFE)

The elevation reflective of the most recent available preliminary flood elevation guidance FEMA has provided as depicted on but not limited to Advisory Flood Hazard Area Maps, Work Maps, or Preliminary FIS and FIRM which is also inclusive of freeboard specified by the New Jersey Flood Hazard Area Control Act and Uniform Construction Codes and any additional freeboard specified in a community's ordinance. In no circumstances shall a project's LDFE be lower than a permit-specified Flood Hazard Area Design Flood Elevation or a valid NJDEP Flood Hazard Area Verification Letter plus the freeboard as required in ASCE 24 and the effective FEMA Base Flood Elevation.

LOWEST ADJACENT GRADE

The lowest point of ground, patio, or sidewalk slab immediately next a structure, except in AO Zones where it is the natural grade elevation.

LOWEST FLOOR

In A Zones, the lowest floor is the top surface of the lowest floor of the lowest enclosed area (including basement). In V Zones and coastal A Zones, the bottom of the lowest horizontal structural member of a building is the lowest floor. An unfinished or flood resistant enclosure, usable solely for the parking of vehicles, building access or storage in an area other than a basement is not considered a building's lowest floor provided that such enclosure is not built so as to render the structure in violation of other applicable non-elevation design requirements of these regulations.

MANUFACTURED HOME

A structure that is transportable in one or more sections, eight (8) feet or more in width and greater than four hundred (400) square feet, built on a permanent chassis, designed for use with or without a permanent foundation when attached to the required utilities, and constructed to the Federal Manufactured Home Construction and Safety Standards and rules and regulations promulgated by the U.S. Department of Housing and Urban Development. The term also includes mobile homes, park trailers, travel trailers and similar transportable structures that are placed on a site for 180 consecutive days or longer.

MANUFACTURED HOME PARK OR SUBDIVISION

A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MARKET VALUE

The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in these regulations, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value shall be determined by one of the following methods (1) Actual Cash Value (replacement cost depreciated for age and quality of construction), (2) tax assessment value adjusted to approximate market value by a factor provided by the Property Appraiser, or (3) established by a qualified independent appraiser.

NEW CONSTRUCTION

Structures for which the start of construction commenced on or after the effective date of the first floodplain regulation adopted by a community; includes any subsequent improvements to such structures. New construction includes work determined to be a substantial improvement.

NON-RESIDENTIAL

Pursuant to ASCE 24, any building or structure or portion thereof that is not classified as residential.

ORDINARY MAINTENANCE AND MINOR WORK

This term refers to types of work excluded from construction permitting under N.J.A.C. 5:23 in the March 5, 2018 New Jersey Register. Some of these types of work must be considered in determinations of substantial improvement and substantial damage in regulated floodplains under 44 CFR 59.1. These types of work include but are not limited to replacements of roofing, siding, interior finishes, kitchen cabinets, plumbing fixtures and piping, HVAC and air conditioning equipment, exhaust fans, built in appliances, electrical wiring, etc. Improvements necessary to correct existing violations of State or local health, sanitation, or code enforcement officials which are the minimum necessary to assure safe living conditions and improvements of historic structures as discussed in 44 CFR 59.1 shall not be included in the determination of ordinary maintenance and minor work.

RECREATIONAL VEHICLE

A vehicle that is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled or permanently towable by a light-duty truck, and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

REPETITIVE LOSS

Any flood-related damage sustained by a structure on two separate occasions during a 10 year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

RESIDENTIAL

Pursuant to the ASCE 24:

- A. Buildings and structures and portions thereof where people live or that are used for sleeping purposes on a transient or non-transient basis;
- B. Structures including but not limited to one- and two-family dwellings, townhouses, condominiums, multi-family dwellings, apartments, congregate residences, boarding houses, lodging houses, rooming houses, hotels, motels, apartment buildings, convents, monasteries, dormitories, fraternity houses, sorority houses, vacation time-share properties; and
- C. Institutional facilities where people are cared for or live on a 24-hour basis in a supervised environment, including but not limited to board and care facilities, assisted living facilities, halfway houses, group homes, congregate care facilities, social rehabilitation facilities, alcohol and drug centers, convalescent facilities, hospitals, nursing homes, mental hospitals, detoxification facilities, prisons, jails, reformatories, detention centers, correctional centers, and prerelease centers.

SOLID WASTE DISPOSAL

The storage, treatment, utilization, processing or final disposition of solid waste as described in N.J.A.C. 7:26-1.6 or the storage of unsecured materials as described in N.J.A.C. 7:13-2.3 for a period of greater than 6 months as specified in N.J.A.C. 7:26 which have been discharged, deposited, injected, dumped, spilled, leaked, or placed into any land or water such that such solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

SPECIAL FLOOD HAZARD AREA

The greater of the following: (1) Land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year, shown on the FIRM as Zone

V, VE, V1-3-, A, AO, A1-30, AE, A99, or AH; (2) Land and the space above that land, which lies below the peak water surface elevation of the flood hazard area design flood for a particular water, as determined using the methods set forth in the New Jersey Flood Hazard Area Control Act in N.J.A.C. 7:13; (3) Riparian Buffers as determined in the New Jersey Flood Hazard Area Control Act in N.J.A.C. 7:13. Also referred to as the AREA OF SPECIAL FLOOD HAZARD.

START OF CONSTRUCTION

The Start of Construction is as follows:

- A. For other than new construction or substantial improvements, under the Coastal Barrier Resources Act (CBRA), this is the date the building permit was issued, provided that the actual start of construction, repair, rehabilitation, addition, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a building on site, such as the pouring of a slab or footing, the installation of piles, the construction of columns or any work beyond the stage of excavation; or the placement of a manufactured (mobile) home on a foundation. For a substantial improvement, actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
- B. For the purposes of determining whether proposed construction must meet new requirements when National Flood Insurance Program (NFIP) maps are issued or revised and Base Flood Elevation's (BFEs) increase or zones change, the Start of Construction includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation.

Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. Such development must also be permitted and must meet new requirements when National Flood Insurance Program (NFIP) maps are issued or revised and Base Flood Elevation's (BFEs) increase or zones change.

For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

For determining if new construction and substantial improvements within the Coastal Barrier Resources System (CBRS) can obtain flood insurance, a different definition applies.

STRUCTURE

A walled and roofed building, a manufactured home, or a gas or liquid storage tank that is principally above ground.

SUBSTANTIAL DAMAGE

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT

Any reconstruction, rehabilitation, addition, or other improvement of a structure taking place over a 10 year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. The period of accumulation includes the first improvement or repair of each structure that is permanent subsequent to 2022. This term also includes structures which have incurred “repetitive loss” or “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either:

- A. Any project for improvement of a structure to correct existing violations of State or local health, sanitary or safety code specifications which have been identified by the local code enforcement officer and which are the minimum necessary to assure safe living conditions; or
- B. Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

UTILITY AND MISCELLANEOUS GROUP U BUILDINGS AND STRUCTURES

Buildings and structures of an accessory character and miscellaneous structures not classified in any special occupancy, as described in ASCE 24.

VARIANCE

A grant of relief from the requirements of this section which permits construction in a manner otherwise prohibited by this section where specific enforcement would result in unnecessary hardship.

VIOLATION

A development that is not fully compliant with these regulations or the flood provisions of the building code. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION

The height, in relation to the North American Vertical Datum (NAVD) of 1988, (or other datum, where specified) of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas.

WATERCOURSE

A river, creek, stream, channel, or other topographic feature in, on, through, or over which water flows at least periodically.

WET FLOODPROOFING

Floodproofing method that relies on the use of flood damage resistant materials and construction techniques in areas of a structure that are below the Local Design Flood Elevation by intentionally allowing them to flood. The application of wet floodproofing as a flood protection technique under the National Flood Insurance Program (NFIP) is limited to enclosures below elevated residential and non-residential structures and to accessory and agricultural structures that have been issued variances by the community.

Article 24-10. Subdivisions and Other Developments

§ 24-10-1. General.

Any subdivision proposal, including proposals for manufactured home parks and subdivisions, or other proposed new development in a flood hazard area shall be reviewed to assure that:

- A. All such proposals are consistent with the need to minimize flood damage.
- B. All public utilities and facilities, such as sewer, gas, electric and water systems are located and constructed to minimize or eliminate flood damage.
- C. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwater around and away from structures.

§ 24-10-2. Subdivision Requirements.

Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:

- A. The flood hazard area, including floodways, coastal high hazard areas, and Coastal A Zones, and base flood elevations, as appropriate, shall be delineated on tentative subdivision plats.
- B. Residential building lots shall be provided with adequate buildable area outside the floodway.
- C. The design criteria for utilities and facilities set forth in these regulations and appropriate codes shall be met.

Article 24-11. Site Improvement

§ 24-11-1. Encroachment in Floodways.

Development, land disturbing activity, and encroachments in floodways shall not be authorized unless it has been demonstrated through hydrologic and hydraulic analyses required in accordance with Article 24-5-3(A) of these regulations, that the proposed encroachment will not result in any increase in the base flood level during occurrence of the base flood discharge. If Article 24-5-3(A) is satisfied, proposed elevation, addition, or reconstruction of a lawfully existing structure within a floodway shall also be in accordance with Article 24-15-2 of this ordinance and the floodway requirements of N.J.A.C. 7:13.

A. Prohibited in floodways.

The following are prohibited activities:

- (1) The storage of unsecured materials is prohibited within a floodway pursuant to N.J.A.C. 7:13.
- (2) Fill and new structures are prohibited in floodways per N.J.A.C. 7:13.

§ 24-11-2. Sewer Facilities.

All new and replaced sanitary sewer facilities, private sewage treatment plants (including all pumping stations and collector systems) and on-site waste disposal systems shall be designed in accordance with the New Jersey septic system regulations contained in N.J.A.C. 14A and N.J.A.C. 7:9A, the UCC Plumbing Subcode (N.J.A.C. 5:23) and Chapter 7, ASCE 24, to minimize or eliminate infiltration of floodwater into the facilities and discharge from the facilities into flood waters, or impairment of the facilities and systems.

§ 24-11-3. Water Facilities.

All new and replacement water facilities shall be designed in accordance with the New Jersey Safe Drinking Water Act (N.J.A.C. 7:10) and the provisions of Chapter 7 ASCE 24, to minimize or eliminate infiltration of floodwater into the systems.

§ 24-11-4. Storm Drainage.

Storm drainage shall be designed to convey the flow of surface waters to minimize or eliminate damage to persons or property.

§ 24-11-5. Streets and Sidewalks.

Streets and sidewalks shall be designed to minimize potential for increasing or aggravating flood levels.

§ 24-11-6. Limitations on Placement of Fill.

Subject to the limitations of these regulations, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwater, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, when intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the UCC (N.J.A.C. 5:23). Proposed fill and encroachments in flood hazard areas shall comply with the flood storage displacement limitations of N.J.A.C. 7:13.

§ 24-11-7. Hazardous Materials.

The placement or storage of any containers holding hazardous substances in a flood hazard area is prohibited unless the provisions of N.J.A.C. 7:13 which cover the placement of hazardous substances and solid waste is met.

Article 24-12. Manufactured Homes

§ 24-12-1. General.

All manufactured homes installed in flood hazard areas shall be installed pursuant to the Nationally Preemptive Manufactured Home Construction and Safety Standards Program (24 CFR 3280).

§ 24-12-2. Elevation.

All new, relocated, and replacement manufactured homes to be placed or substantially improved in a flood hazard area shall be elevated such that the bottom of the frame is elevated to or above the elevation specified in Article 24-15-2.

§ 24-12-3. Foundations.

All new, relocated, and replacement manufactured homes, including substantial improvement of existing manufactured homes, shall be placed on foundations as specified by the manufacturer only if the manufacturer's installation instructions specify that the home has been designed for flood-resistant considerations and provides the conditions of applicability for velocities, depths, or wave action as required by 24 CFR Part 3285-302. The Floodplain Administrator is authorized to determine whether the design meets or exceeds the performance necessary based upon the proposed site location conditions as a precondition of issuing a flood damage prevention permit. If the Floodplain Administrator determines that the home's performance standards will not withstand the flood loads in the proposed location, the applicant must propose a design certified by a New Jersey licensed design professional and in accordance with 24 CFR 3285.301 (c) and (d) which conforms with ASCE 24, the accepted standard of engineering practice for flood resistant design and construction.

§ 24-12-4. Anchoring.

All new, relocated, and replacement manufactured homes to be placed or substantially improved in a flood hazard area shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

§ 24-12-5. Enclosures.

Fully enclosed areas below elevated manufactured homes shall comply with the requirements of Article 24-15-2.

§ 24-12-6. Protection of Mechanical Equipment and Outside Appliances.

Mechanical equipment and outside appliances shall be elevated to or above the elevation of the bottom of the frame required in Article 24-15-2 of these regulations.

Exception. Where such equipment and appliances are designed and installed to prevent water from entering or accumulating within their components and the systems are constructed to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of flooding up to the elevation required by Article 24-15-2, the systems and equipment shall be permitted to be located below that elevation. Electrical wiring systems shall be permitted below the design flood elevation provided they conform to the provisions of NFPA 70 (National Electric Code).

Article 24-13. Recreational Vehicles

§ 24-13-1. Placement Prohibited.

The placement of recreational vehicles shall not be authorized in coastal high hazard areas and in floodways.

§ 24-13-2. Temporary Placement.

Recreational vehicles in flood hazard areas shall be fully licensed and ready for highway use and shall be placed on a site for less than 180 consecutive days.

§ 24-13-3. Permanent Placement.

Recreational vehicles that are not fully licensed and ready for highway use, or that are to be placed on a site for more than 180 consecutive days, shall meet the requirements of Article 24-15-2 for habitable buildings and Article 24-12-3.

Article 24-14. Tanks

§ 24-14-1. Tanks.

Underground and above-ground tanks shall be designed, constructed, installed, and anchored in accordance with ASCE 24 and N.J.A.C. 7:13.

Article 24-15. Other Development and Building Work

§ 24-15-1. General Requirements for Other Development and Building Work.

All development and building work, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in these regulations or the Uniform Construction Code (N.J.A.C. 5:23), shall:

- A. Be located and constructed to minimize flood damage;
- B. Meet the limitations of Article 24-5-3(A) of this ordinance when located in a regulated floodway;
- C. Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic and hydrodynamic loads, including the effects of buoyancy, during the conditions of flooding up to the Local Design Flood Elevation determined according to Article 24-2-3;
- D. Be constructed of flood damage-resistant materials as described in ASCE 24 Chapter 5;
- E. Have mechanical, plumbing, and electrical systems above the Local Design Flood Elevation determined according to Article 24-2-3 or meet the requirements of ASCE 24 Chapter 7 which requires that attendant utilities are located above the Local Design Flood Elevation unless the attendant utilities and equipment are:
 - (1) Specifically allowed below the Local Design Flood Elevation; and
 - (2) Designed, constructed, and installed to prevent floodwaters, including any backflow through the system from entering or accumulating within the components.
- F. Not exceed the flood storage displacement limitations in fluvial flood hazard areas in accordance with N.J.A.C. 7:13; and
- G. Not exceed the impacts to frequency or depth of offsite flooding as required by N.J.A.C. 7:13 in floodways.

§ 24-15-2. Requirements for Habitable Buildings and Structures.

- A. Construction and Elevation in A Zones not including Coastal A Zones.
 - (1) No portion of a building is located within a V Zone.

- (2) No portion of a building is located within a Coastal A Zone, unless a licensed design professional certifies that the building's foundation is designed in accordance with ASCE 24, Chapter 4.
- (3) All new construction and substantial improvement of any habitable building (as defined in Article 24-9) located in flood hazard areas shall have the lowest floor, including basement, together with the attendant utilities (including all electrical, heating, ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated to or above the Local Design Flood Elevation as determined in Article 24-2-3, be in conformance with ASCE Chapter 7, and be confirmed by an Elevation Certificate.
- (4) All new construction and substantial improvements of non-residential structures shall:
 - (a) Have the lowest floor, including basement, together with the attendant utilities (including all electrical, heating, ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated to or above the Local Design Flood Elevation as determined in Article 24-2-3, be in conformance with ASCE Chapter 7, and be confirmed by an Elevation Certificate; or
 - (b) Together with the attendant utility and sanitary facilities, be designed so that below the Local Design Flood Elevation, the structure:
 - [1] Meets the requirements of ASCE 24 Chapters 2 and 7; and
 - [2] Is constructed according to the design plans and specifications provided at permit application and signed by a licensed design professional, is certified by that individual in a Floodproofing Certificate, and is confirmed by an Elevation Certificate.
- (5) All new construction and substantial improvements with fully enclosed areas below the lowest floor shall be used solely for parking of vehicles, building access, or storage in an area other than a basement and which are subject to flooding. Enclosures shall:
 - (a) For habitable structures, be situated at or above the adjoining exterior grade along at least one entire exterior wall, in order to provide positive drainage of the enclosed area in accordance with N.J.A.C. 7:13; enclosures (including crawlspaces and basements) which are below grade on all sides are prohibited;
 - (b) Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters unless the structure is non-residential and the requirements of Article 24-15-2A(4)(b) are met;

- (c) Be constructed to meet the requirements of ASCE 24 Chapter 2;
 - (d) Have openings documented on an Elevation Certificate; and
 - (e) Have documentation that a deed restriction has been obtained for the lot if the enclosure is greater than six feet in height. This deed restriction shall be recorded in the Office of the County Clerk or the Registrar of Deeds and Mortgages in which the building is located, shall conform to the requirements in N.J.A.C.7:13, and shall be recorded within 90 days of receiving a Flood Hazard Area Control Act permit or prior to the start of any site disturbance (including pre-construction earth movement, removal of vegetation and structures, or construction of the project), whichever is sooner. Deed restrictions must explain and disclose that:
 - [1] The enclosure is likely to be inundated by floodwaters which may result in damage and/or inconvenience.
 - [2] The depth of flooding that the enclosure would experience to the Flood Hazard Area Design Flood Elevation;
 - [3] The deed restriction prohibits habitation of the enclosure and explains that converting the enclosure into a habitable area may subject the property owner to enforcement;
- (6) For new construction or substantial improvements, enclosures shall be less than 295 square feet in size.

§ 24-15-3. Garages and Accessory Storage Structures.

Garages and accessory storage structures shall be designed and constructed in accordance with the Uniform Construction Code.

§ 24-15-4. Fences.

Fences in floodways that have the potential to block the passage of floodwater, such as stockade fences and wire mesh fences, shall meet the requirements of Article 24-5-3(A) of these regulations. Pursuant to N.J.A.C. 7:13, any fence located in a floodway shall have sufficiently large openings so as not to catch debris during a flood and thereby obstruct floodwaters, such as barbed-wire, split-rail, or strand fence. A fence with little or no open area, such as a chain link, lattice, or picket fence, does not meet this requirement. Foundations for fences greater than 6 feet in height must conform with the Uniform Construction Code. Fences for pool enclosures having openings not in conformance with this section but in conformance with the Uniform Construction Code to limit climbing require a variance as described in Article 24-7 of this ordinance.

§ 24-15-5. Retaining Walls, Widewalks, and Driveways.

Retaining walls, sidewalks and driveways that involve placement of fill in floodways shall meet the requirements of Article 24-5-3(A) of these regulations and N.J.A.C. 7:13.

§ 24-15-6. Swimming Pools.

Swimming pools shall be designed and constructed in accordance with the Uniform Construction Code. Above-ground swimming pools and below-ground swimming pools that involve placement of fill in floodways shall also meet the requirements of Article 24-5-3(A) of these regulations. Above-ground swimming pools are prohibited in floodways by N.J.A.C. 7:13.

§ 24-15-7. Roads and Watercourse Crossings.

- A. For any railroad, roadway, or parking area proposed in a flood hazard area, the travel surface shall be constructed at least one foot above the Flood Hazard Area Design Elevation in accordance with N.J.A.C. 7:13.
- B. Roads and watercourse crossings that encroach into regulated floodways or riverine waterways with base flood elevations where floodways have not been designated, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, shall meet the requirements of Article 24-5-3(A) of these regulations.

Article 24-16. Temporary Structures and Temporary Storage

§ 24-16-1. Temporary Structures.

Temporary structures shall be erected for a period of less than 180 days. Temporary structures shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the base flood. Fully enclosed temporary structures shall have flood openings that are in accordance with ASCE 24 to allow for the automatic entry and exit of flood waters.

§ 24-16-2. Temporary Storage.

Temporary storage includes storage of goods and materials for a period of less than 180 days. Stored materials shall not include hazardous materials.

§ 24-16-3. Floodway Encroachment.

Temporary structures and temporary storage in floodways shall meet the requirements of Article 24-5-3(A) of these regulations.

Article 24-17. Utility and Miscellaneous Group U

§ 24-17-1. Utility and Miscellaneous Group U.

In accordance with Section 312 of the International Building Code, Utility and Miscellaneous Group U includes buildings and structures that are accessory in character and miscellaneous structures not classified in any specific occupancy in the Building Code, including, but not limited to, agricultural buildings, aircraft hangars (accessory to a one- or two-family residence), barns, carports, communication equipment structures (gross floor area less than 1,500 sq. ft.), fences more than 6 feet (1829 mm) high, grain silos (accessory to a residential occupancy), livestock shelters, private garages, retaining walls, sheds, stables, tanks and towers.

§ 24-17-2. Flood Loads.

Utility and miscellaneous Group U buildings and structures, including substantial improvement of such buildings and structures, shall be anchored to prevent flotation, collapse or lateral movement resulting from flood loads, including the effects of buoyancy, during conditions up to the Local Design Flood Elevation as determined in Article 24-2-3.

§ 24-17-3. Elevation.

Utility and miscellaneous Group U buildings and structures, including substantial improvement of such buildings and structures, shall be elevated such that the lowest floor, including basement, is elevated to or above the Local Design Flood Elevation as determined in Article 24-2-3 and in accordance with ASCE 24. Utility lines shall be designed and elevated in accordance with N.J.A.C. 7:13.

§ 24-17-4. Enclosures Below Base Flood Elevation.

Fully enclosed areas below the design flood elevation shall be constructed in accordance with Article 24-15-2 and with ASCE 24 for new construction and substantial improvements. Existing enclosures such as a basement or crawlspace having a floor that is below grade along all adjoining exterior walls shall be abandoned, filled-in, and/or otherwise modified to conform with the requirements of N.J.A.C. 7:13 when the project has been determined to be a substantial improvement by the Floodplain Administrator.

§ 24-17-5. Flood-Damage Resistant Materials.

Flood-damage-resistant materials shall be used below the Local Design Flood Elevation determined in Article 24-2-3.

§ 24-17-6. Protection of Mechanical, Plumbing, and Electrical Systems.

Mechanical, plumbing, and electrical systems, equipment and components, heating, ventilation, air conditioning, plumbing fixtures, duct systems, and other service equipment, shall be elevated to or above the Local Design Flood Elevation determined in Article 24-2-3.

Exception: Electrical systems, equipment and components, and heating, ventilating, air conditioning, and plumbing appliances, plumbing fixtures, duct systems, and

other service equipment shall be permitted to be located below the Local Design Flood Elevation provided that they are designed and installed to prevent water from entering or accumulating within the components and to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of flooding to the Local Design Flood Elevation in compliance with the flood-resistant construction requirements of ASCE 24. Electrical wiring systems shall be permitted to be located below the Local Design Flood Elevation provided they conform to the provisions of NFPA 70 (National Electric Code).

BE IT FURTHER ORDAINED, that this Ordinance shall become effective immediately upon final passage and publication in accordance with the law.

BE IT FURTHER ORDAINED, 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(ies).

BE IT FURTHER ORDAINED, 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 2023-02 Final Reading and Public Hearing Bond Ordinance Providing for Improvement to Maxwell Avenue in and by the Borough of Hightstown, in the County of Mercer, New Jersey, Appropriating \$855,000 Therefor and Authorizing the Issuance of \$233,730 Bonds or Notes of the Borough to Finance Part of the Cost Thereof

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

Eugene Sarafin, 628 South Main Street – Supports this ordinance. We need to maintain our infrastructure. Council does a wonderful job taking care of our town.

Matt morgan, 123 Orchard Avenue – He is happy to see this move forward. Hightstown does a great job updating streets and sidewalks and keeping our town safe. Let’s keep moving forward.

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

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

Roll Call Vote: Councilmembers Cicalese, Fowler, Frantz, Gulati, Jackson and Montferrat voted yes.

Ordinance adopted 6-0.

ORDINANCE 2023-02

BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY

**BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO MAXWELL AVENUE
IN AND BY THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER,
NEW JERSEY, APPROPRIATING \$855,000 THEREFOR AND AUTHORIZING THE
ISSUANCE OF \$233,730 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART
OF THE COST THEREOF.**

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

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Borough of Hightstown, in the County of Mercer, New Jersey (the "Borough") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$855,000, including a \$621,270 grant expected to be received from the State of New Jersey Department of Transportation (the "State Grant"). Pursuant to N.J.S.A. 40A:2-11(c), no down payment is provided for the costs of the project since the project is being partially funded by the State Grant.

Section 2. In order to finance the cost of the improvement not covered by the State Grant, negotiable bonds are hereby authorized to be issued in the principal amount of \$233,730 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is improvements to Maxwell Avenue, including the replacement of curbs, sidewalks and curb ramps as necessary, new sidewalks where none currently exist, upgrades to storm drains, milling and paving with base repairs as necessary, signage, striping and the construction of a roundabout at the intersection with East Ward 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 as stated in Section 2 hereof.

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

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

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

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

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

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

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

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly

prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$233,730, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$105,000 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, other than those referred to in Section 1 hereto, 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 2023-03 Final Reading and Public Hearing Bond Ordinance Providing for Water-Sewer Improvements to Maxwell Avenue for the Water-Sewer Utility in and by the Borough of Hightstown, in the County of Mercer, New Jersey, Appropriating \$1,290,000 therefor and Authorizing the Issuance of \$1,290,000 Bonds or Notes of the Borough to Finance the Cost Thereof

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

Eugene Sarafin, 628 South Main Street – This is marvelous. Council should be proud that they keep up with the infrastructure in our town. Proud to have a council that looks out for infrastructure and our town’s people.

Scott Caster, 12 Clover Lane – He is concerned about the orange burg pipes that run from house

to street. The life expectancy on those pipes are coming up. What are his options to get work done. Mr. Musing commented that he will speak with Mr. Caster regarding his options.

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

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

Roll Call Vote: Councilmembers Cicalese, Fowler, Frantz, Gulati, Jackson and Montferrat voted yes.

Ordinance adopted 6-0.

ORDINANCE 2023-3

BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY

**BOND ORDINANCE PROVIDING FOR WATER-SEWER IMPROVEMENTS TO
MAXWELL AVENUE FOR THE WATER-SEWER UTILITY IN AND BY THE
BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY,
APPROPRIATING \$1,290,000 THEREFOR AND AUTHORIZING THE
ISSUANCE OF \$1,290,000 BONDS OR NOTES OF THE BOROUGH TO
FINANCE THE COST THEREOF.**

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

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Borough of Hightstown, in the County of Mercer, New Jersey (the "Borough"). For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$1,290,000. Pursuant to N.J.S.A. 40A:2-11(c), no down payment is provided for the costs of the improvement since the project described in Section 3(a) hereof is

expected to be funded through the New Jersey Infrastructure Bank.

Section 2. In order to finance the cost of the improvement or purpose, negotiable bonds are hereby authorized to be issued in the principal amount of \$1,290,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is water-sewer improvements to Maxwell Avenue for the Water-Sewer Utility, including all work and materials necessary therefor and incidental thereto.

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

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

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

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

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

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

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

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds

authorized by this bond ordinance, is 40 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$1,290,000, but that the net debt of the Borough determined as provided in the Local Bond Law is not increased by this bond ordinance. The obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$190,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

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

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

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

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

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

Ordinance 2023-04 First Reading and Introduction An Ordinance Authorizing the Sale of Block 62, Lot 15 (105 Springerest Drive), in the Borough of Hightstown, County of Mercer, State of New Jersey, Pursuant to N.J.S.A. 40A:12-1, et seq.

Mayor Bluth explained that this is an undersized lot the Borough has no use for. This ordinance classifies this lot as surplus and allows the Borough to sell the lot to one of the contiguous

properties.

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

Roll Call Vote: Councilmembers Cicalese, Fowler, Frantz, Gulati, Jackson and Montferrat voted yes.

Ordinance introduced 6-0. Public Hearing Scheduled for March 6, 2023.

Ordinance 2023-04

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

AN ORDINANCE AUTHORIZING THE SALE OF BLOCK 62, LOT 15 (105 SPRINGCREST DRIVE), IN THE BOROUGH OF HIGHTSTOWN, COUNTY OF MERCER, STATE OF NEW JERSEY, PURSUANT TO N.J.S.A. 40A:12-1, *et seq.*

WHEREAS, the Borough of Hightstown (also referenced as the “Borough”) is the record owner of certain real property known and designated as Block 62, Lot 15 on the Official Tax Map of the Borough, which property has a physical address of 105 Springcrest Drive (the “Property”), in the Borough of Hightstown, County of Mercer, State of New Jersey; and

WHEREAS, the Property is an undersized lot in the R-1 Zone and comprises approximately 3,850 square feet of land area; and

WHEREAS, the Property was previously improved with a sewer pumping station which was known colloquially as the “Springcrest Drive Pumping Station”; and

WHEREAS, the sewer pumping station is no longer necessary for the public purposes of the Borough, and has been decommissioned and removed; and

WHEREAS, given these facts, the Borough Council of the Borough of Hightstown has determined that the Property is no longer needed for any public purposes of the Borough and that it constitutes excess surplus lands; and

WHEREAS, a sale of the Property will return it to the tax rolls of the Borough and create revenues for the municipality; and

WHEREAS, the Borough Council has therefore determined that it is in the best interests of the Borough to offer the Property for sale, in accordance with the requirements of the New Jersey “Local Lands and Buildings Law,” N.J.S.A. 40A:12-1, *et seq.* (the “Act”); and

WHEREAS, N.J.S.A. 40A:12-13(b) authorizes the Borough to sell municipally owned real property at a private sale to an owner of real property that is located contiguous thereto where the Borough-owned parcel is less than the minimum size required for development under the

municipal zoning ordinance and is without any capital improvements thereon; and

WHEREAS, those circumstances are present in the within situation; and

WHEREAS, N.J.S.A. 40A:12-13(b)(5) further provides that where there is more than one (1) owner of property contiguous to the parcel being offered for sale, the municipal parcel shall be sold to the highest bidder from among all such contiguous property owners, and that the sale shall be made for not less than the fair market value of the said real property; and

WHEREAS, in the current situation, there are three (3) parcels contiguous to the Property being offered for sale; and

WHEREAS, the Borough Council has determined that any sale of the Property shall be conditioned upon the Borough retaining a perpetual easement (also referenced as the “utility easement”) over, under and across the Property, which shall allow the Borough and its agents to access and maintain the existing water and sewer pipe(s) that is/are located beneath the Property in perpetuity; and

WHEREAS, a legal description and corresponding plan depicting the area of the proposed utility easement has been prepared by the Borough Engineer’s office and these documents are on file for public inspection and review in the Office of the Municipal Clerk; and

WHEREAS, the Borough’s Tax Assessor has provided an estimation of the fair market value of the Property; and

WHEREAS, the Tax Assessor’s estimate has factored in the proposed utility easement as an encumbrance on the title to the Property; and

WHEREAS, the Tax Assessor’s estimate of the Property’s fair market value, as encumbered by the proposed utility easement, is Three Thousand Nine Hundred and 00/100 dollars (\$3,900.00); and

WHEREAS, the Borough Council now wishes to authorize the sale of the Property, with said sale being conditioned upon the retention of the above-referenced perpetual utility easement in favor of the Borough, in accordance with the Act and the terms and conditions set forth herein.

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

1. That the Borough hereby declares the Property to be surplus land that is no longer needed for any public purposes of the municipality.
2. That the Borough hereby authorizes a sale of the Property to the highest bidder from among all of the three (3) owners of properties located contiguous thereto, in accordance with the requirements set forth in the Act and herein.
3. That the following conditions for the sale of the Property shall apply:

- (a) The minimum bid for the Property shall be \$3,900.00.
- (b) Bids will only be accepted from contiguous landowners, as the Property to be sold is undersized for development under the Borough's Ordinances in the R-1 Zone and there are no capital improvements located thereon. Contiguous landowners for the purpose of this purchase shall be limited to the legal owner(s) of record as of the date of sale. Contract purchasers and tax lien owners are not deemed contiguous for the purpose of this sale. The successful bidder shall consolidate the Property with its existing contiguous parcel, and this requirement shall be incorporated into the Deed as a deed restriction.
- (c) The sale shall be conducted through a sealed bid process in which the Borough shall solicit proposals from all contiguous landowners (only). Following the enactment of this Ordinance, the Borough Administrator shall send a letter (via certified mail, return receipt requested and regular mail) to all contiguous landowners, at the addresses listed of record with the Borough's tax offices, within five (5) days of the adoption of this Ordinance alerting them to the potential sale of the Property and of their right to submit a sealed bid to purchase the Property, if they are interested. Any owner of contiguous property that is interested in submitting a proposal to purchase the Property must submit their sealed bid to the attention of the Borough Clerk no later than 10 o'clock a.m. (EST) on Tuesday, April 4, 2023. The Borough Clerk shall open all bids received at 10 o'clock a.m. (EST) on Tuesday, April 4, 2023.
- (d) Following the adoption of the within Ordinance, a notice regarding the proposed sale, including the minimum bid and all other conditions, shall be posted on the bulletin board at both the temporary Borough Hall (156 Bank Street) and at the firehouse property given that the Borough Council conducts its regular meetings within the firehouse. Advertisement shall also be made in a newspaper circulating in the municipality within five (5) days following adoption of the within Ordinance. Offers for the Property may then be made for a period of at least twenty (20) days following the newspaper advertisement.
- (e) In addition to their proposal, each bidder shall be required to provide ten percent (10%) of their bid price along with the sealed bid. If the bidder is successful, the 10% deposit shall be considered a non-refundable deposit and the balance of the purchase price shall be paid at the time of closing via certified funds or bank check. The ten percent (10%) deposit shall be returned to all unsuccessful bidders.
- (f) Following the opening of the sealed bids, the Borough Council shall confirm the sale to the successful (high) bidder via Resolution to be adopted at a Council meeting held within thirty (30) days of the opening of the bids.

- (g) The successful bidder shall be required to pay any and all expenses incurred by the Borough in connection with the sale and transfer of title to the Property (up to a maximum amount of \$1,500.00), including but not limited to the payment by the purchaser of the Borough's legal, survey, title and environmental fees, if any, recording fees, advertisement costs, realty transfer fees and all other reasonable fees and costs incurred as part of the consideration. Said costs shall be itemized as part of the Settlement Statement to be prepared in anticipation of the closing and shall be paid to the Borough on the date of closing, along with the balance of the purchase price.
- (h) As a condition of the sale, a utility easement shall be reserved in favor of the Borough in perpetuity over, under and across the Property which shall allow the Borough and its agents to access and maintain the existing water and sewer pipe(s) that is/are located beneath the Property. A legal description and corresponding plan depicting the area of the proposed easement has been prepared by the Borough Engineer's office and is on file for public inspection and review in the Office of the Municipal Clerk. The easement shall be prepared by the Borough Attorney and shall be executed at or prior to the closing by the buyer(s). Following execution, the utility easement shall be recorded with the Mercer County Clerk's Office by the Borough Attorney.
- (i) The Property is being sold in "as is" condition. The successful bidder is responsible for conducting any and all inspections and testing of the Property at its own cost and expense. The Property is being sold subject to any and all conditions, including but not limited to title issues, environmental issues, existing encumbrances, liens, easements (including the utility easement referenced above), zoning ordinances, other restrictions of record, such facts as an accurate survey would reveal, and any present or future assessments for the construction of improvements benefiting the Property. A survey of the Property may be conducted by any prospective bidder, at its discretion, as part of its due diligence.
- (j) At the closing, the Borough shall provide a Quit Claim Deed in connection therewith. An Affidavit of Title will not be provided.
- (k) No real estate commission(s) shall be paid in connection with the proposed sale of the Property.
- (l) The Deed must be recorded within thirty (30) days of closing or title to the Property shall automatically revert back to the Borough of Hightstown without the necessity of entry or re-entry.
- (m) The Borough reserves the right to accept the highest responsive bid if equal to or greater than the minimum bid price, or to reject all bids and not to award to the highest bidder. The Borough reserves the right to waive any

and all defects and informalities in any proposal, and to accept or reject the highest responsible and responsive bid deemed to be in the best interests of the Borough.

- (n) In the event it is determined that the Borough cannot convey marketable title to the Property, the Borough's sole liability shall be to return without interest the successful bidder's deposit funds, This obligation shall not survive the closing of title. It is suggested and recommended that potential bidders perform a title search and any other due diligence they deem appropriate if they are interested in submitting a bid for the Property.
4. That this Ordinance shall become effective immediately upon final passage and publication in accordance with the law.
 5. 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(ies).
 6. 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.

RESOLUTIONS

Resolution 2023-53 Authorizing Payment of Bills

Moved by Councilmember Jackson; Seconded by Councilmember Fowler.

Roll Call Vote: Councilmembers Cicalese, Fowler, Frantz, Gulati, Jackson and Montferrat voted yes.

Resolution adopted 6-0.

Resolution 2023-53

*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 \$1,248,576.10 from the following accounts:

Current		\$1,134,837.48	
W/S Operating		59,727.24	
General Capital		0.00	
Water/Sewer Capital		24,304.00	
Grant		26,538.00	
Trust		128.38	
Unemployment Trust		0.00	
Animal Control		0.00	
Law Enforcement Trust		0.00	
Tax Lien Trust		0.00	
Public Defender Trust		0.00	
Housing Trust		0.00	
Escrow		<u>3,041.00</u>	
Total		<u>\$1,248,576.10</u>	

CONSENT AGENDA

Councilmember Frantz moved Resolutions 2023-54, 2023-55, 2023-56, 2023-57, 2023-58 and 2023-59 as a Consent Agenda; Councilmember Cicalese seconded.

Roll Call Vote: Councilmembers Cicalese, Fowler, Frantz, Gulati, Jackson and Montferrat voted yes.

Resolutions adopted 6-0.

Resolution 2023-54
BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY

AUTHORIZING THE BOROUGH ENGINEER TO PREPARE THE ANNUAL STORMWATER PERMIT CERTIFICATION AND UPDATE THE STORMWATER POLLUTION PREVENTION PLAN

WHEREAS, the Borough of Hightstown is required to provide the NJDEP a yearly certification that it has met the requirements of its NJDPES Stormwater Permit; and

WHEREAS, Borough Council wishes to authorize Borough Engineer, Carmela Roberts of Roberts Engineering Group, to prepare the Annual Certification; and

WHEREAS, Borough Council also wishes to authorize Borough Engineer, Carmela Roberts of Roberts Engineering Group, to update the Stormwater Pollution Prevention Plan; and

WHEREAS, the cost to prepare the annual certification and update the Stormwater Pollution Prevention Plan will not exceed \$6,800.00; and

WHEREAS funds for this expenditure will be made available in the 2023 budget.

NOW, THEREFORE BE IT RESOLVED, that the Borough Engineer is hereby authorized to prepare the Annual Certification and provide to NJDEP and update the Stormwater Pollution Prevention Plan for the Borough of Hightstown at a cost not to exceed \$6,800.00 as detailed within.

Resolution 2023-55

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

PROMOTING SERGEANT BENJAMIN MILLER TO THE RANK OF POLICE LIEUTENANT

WHEREAS, Article 2-19.1 of the *Revised General Ordinances of the Borough of Hightstown* provides for the appointment of Lieutenants in the Hightstown Police Department; and

WHEREAS, after competitive written and oral examination, Sergeant Benjamin Miller has been found to possess the experience and qualifications necessary to fill this position; and

WHEREAS, it is the recommendation of the Chief of Police, and the desire of the Mayor and Council that Sergeant Benjamin Miller be promoted to the position of Police Lieutenant.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that Sergeant Benjamin Miller is hereby promoted to the rank of Lieutenant with the

Hightstown Police Department effective this date, February 21, 2023.

Resolution 2023-56

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

RESOLUTION OF THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY, DETERMINING THE FORM AND OTHER DETAILS OF ITS “NOTE RELATING TO THE CONSTRUCTION FINANCING LOAN PROGRAM OF THE NEW JERSEY INFRASTRUCTURE BANK”, TO BE ISSUED IN THE PRINCIPAL AMOUNT OF UP TO \$1,170,820, AND PROVIDING FOR THE ISSUANCE AND SALE OF SUCH NOTE TO THE NEW JERSEY INFRASTRUCTURE BANK, AND AUTHORIZING THE EXECUTION AND DELIVERY OF SUCH NOTE BY THE BOROUGH IN FAVOR OF THE NEW JERSEY INFRASTRUCTURE BANK, ALL PURSUANT TO THE NEW JERSEY INFRASTRUCTURE BANK CONSTRUCTION FINANCING LOAN PROGRAM.

WHEREAS, the Borough of Hightstown (the “Local Unit”), in the County of Mercer, New Jersey, is making improvements, including the application of paint and repairs to existing water tanks and related design costs, including all related costs and expenditures incidental thereto and further including all work and materials necessary therefor and incidental thereto (the “Project”), and it is the desire of the Local Unit to obtain financing for such Project through participation in the environmental infrastructure financing program of the New Jersey Infrastructure Bank (the “I-Bank”);

WHEREAS, the Local Unit has determined to undertake a proposed temporary financing with the proceeds of a short-term loan to be made by the I-Bank (the “Construction Loan”) to the Local Unit, pursuant to the Construction Financing Loan Program of the I-Bank (the “Construction Financing Loan Program”);

WHEREAS, in order to (i) evidence and secure the repayment obligation of the Local Unit to the I-Bank with respect to the Construction Loan and (ii) satisfy the requirements of the Construction Financing Loan Program, it is the desire of the Local Unit to issue and sell to the I-Bank the “Note Relating to the Construction Financing Loan Program of the New Jersey Infrastructure Bank” in an aggregate principal amount of up to \$1,170,820 (the “Note”);

WHEREAS, it is the desire of the Local Unit to authorize, execute, attest and deliver the Note to the I-Bank pursuant to the terms of the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the Revised Statutes of the State of New Jersey (the “Local Bond Law”), and other applicable law; and

WHEREAS, Section 28 of the Local Bond Law allows for the sale of the Note to the I-Bank, without any public offering, and N.J.S.A. 58:11B-9 allows for the sale of the Note to the I-Bank without any public offering, all under the terms and conditions set forth therein.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Local Unit as follows:

Section 1. In accordance with Section 28 of the Local Bond Law and N.J.S.A. 58:11B-9, the Local Unit hereby authorizes the issuance, sale and award the Note in accordance with the provisions hereof. The obligation represented by the Note has been appropriated and authorized by bond ordinance #2020-16, finally adopted December 7, 2020 (“Bond Ordinance #2020-16”) authorizing an aggregate amount of \$70,820 of bonds, and any notes issued in anticipation thereof, for the Project and #2022-07, finally adopted on April 18, 2022 (“Bond Ordinance #2022-07” and, together with Bond Ordinance #2020-16, the “Bond Ordinances”) authorizing an aggregate amount of \$1,100,000 of bonds, and any notes issued in anticipation thereof, for the Project. A quorum was present and acted throughout the Bond Ordinances, all pursuant to the terms of the Local Bond Law and other applicable law.

Section 2. The Chief Financial Officer of the Local Unit (the “Chief Financial Officer”) is hereby authorized to determine, in accordance with the Local Bond Law and pursuant to the terms and conditions hereof, (i) the final principal amount of the Note (subject to the maximum limitation set forth in Section 4(a) hereof), and (ii) the dated date of the Note.

Section 3. Any determination made by the Chief Financial Officer pursuant to the terms hereof shall be conclusively evidenced by the execution and attestation of the Note by the parties authorized pursuant to Section 4(h) hereof.

Section 4. The Local Unit hereby determines that certain terms of the Note shall be as follows:

- (a) the principal amount of the Note to be issued shall be an amount up to \$1,100,000;
- (b) the maturity of the Note shall be as determined by the I-Bank;
- (c) the interest rate of the Note shall be as determined by the I-Bank;
- (d) the purchase price for the Note shall be par;
- (e) the Note shall be subject to prepayment prior to its stated maturity in accordance with the terms and conditions of the Note;
- (f) the Note shall be issued in a single denomination and shall be numbered “CFP-2023-1”;
- (g) the Note shall be issued in fully registered form and shall be payable to the registered owner thereof as to both principal and interest in lawful money of the United States of America; and
- (h) the Note shall be executed by the manual or facsimile signatures of the Mayor and the Chief Financial Officer under official seal or facsimile thereof affixed, printed, engraved or reproduced thereon and attested by the manual signature of the Local Unit Clerk.

Section 5. The Note shall be substantially in the form provided by the I-Bank.

Section 6. The law firm of McManimon, Scotland and Baumann, LLC is hereby authorized to arrange for the printing of the Note, which law firm may authorize McCarter & English, LLP, bond counsel to the I-Bank for the Construction Loan Financing Program, to arrange for same.

Section 7. The Mayor and the Chief Financial Officer (the “Authorized Officers”) of the Local Unit are hereby further severally authorized to (i) execute and deliver, and the Local Unit Clerk is hereby further authorized to attest to such execution and to affix the corporate seal of the Local Unit to, any document, instrument or closing certificate deemed necessary, desirable or convenient by the Authorized Officers or the Secretary of the Local Unit, as applicable, in their respective sole discretion, after consultation with counsel and any advisors to the Local Unit and after further consultation with the I-Bank and its representatives, agents, counsel and advisors, to be executed in connection with the issuance and sale of the Note and the participation of the Local Unit in the Construction Financing Loan Program, which determination shall be conclusively evidenced by the execution of each such certificate or other document by the party authorized hereunder to execute such certificate or other document, and (ii) perform such other actions as the Authorized Officers deem necessary, desirable or convenient in relation to the execution and delivery of the Note and the participation of the Local Unit in the Construction Financing Loan Program and to prepay the Notes.

Section 8. This resolution shall take effect immediately.

Section 9. Upon the adoption hereof, the Local Unit Clerk shall forward certified copies of this resolution to McManimon, Scotland & Baumann, LLC, bond counsel to the Local Unit, David Zimmer, Executive Director of the I-Bank, and Richard T. Nolan, Esq., McCarter & English, LLP, bond counsel to the I-Bank.

Resolution 2023-57

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

AUTHORIZING PAYMENT NO. 6 – ALLIED PAINTING, INC. (WATER TANK PAINTING AND REPAIR AT FIRST AVENUE, LESHIN LANE AND CRANBURY STATION ROAD)

WHEREAS, on May 16, 2022, the Borough Council awarded a contract for the Water Tank Painting and Repairs at First Avenue, Leshin Lane and Cranbury Station Road to Allied Painting Inc., of Cherry Hill, New Jersey at the price of \$427,300.00; and

WHEREAS, the contractor has submitted a request for payment No. 6 in the amount of \$31,360.00, for partial payment through January 30, 2023; and

WHEREAS, the Borough Engineer has recommended approval of Payment Request No. 6 to the

contractor in the amount of \$31,360.00; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that Payment Request No. 6 to Allied Painting, Inc., of Cherry Hill New Jersey for \$31,360.00, is hereby approved as detailed herein, and the Deputy CFO is authorized to issue same.

Resolution 2023-58

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

**APPOINTING ELECTRICAL SUBCODE OFFICIAL AND
ELECTRICAL INSPECTOR**

WHEREAS, due to the retirement, effective February 28, 2023, of Richard Such, as Electrical Subcode Official and Electrical Inspector, there will exist a vacancy in that position; and

WHEREAS, the Construction Official has recommended that Robert Davies be appointed to the position of Electrical Subcode Official and Electrical Inspector; and

WHEREAS, Mr. Davies is duly licensed by the New Jersey Department of Community Affairs to perform that function, holding State license #007062.

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

1. Robert Davies is hereby appointed as Electrical Subcode Official and Electrical Inspector for the Borough of Hightstown effective March 1, 2023.
2. A certified copy of this Resolution shall be submitted to the State of New Jersey Department of Community Affairs.

Resolution 2023-59

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

**AUTHORIZING EMERGENCY TEMPORARY APPROPRIATIONS
PRIOR TO ADOPTION OF THE 2023 BUDGET**

WHEREAS, an emergent condition has arisen with respect to inadequate appropriation balances remaining in some line items of the 2023 temporary budget; and

WHEREAS, N.J.S.A. 40A:4-20 provides for the creation of emergency appropriations for the purposes above mentioned; and

WHEREAS, it is the desire of the Mayor and Council to create emergency temporary appropriations as set forth on Schedule “A,” attached; and

WHEREAS, the total emergency temporary appropriations in resolutions adopted in the year 2023 pursuant to the provisions of N.J.S.A. 40A:4-20 (Chapter 96, P.L. 1951, as amended), including this resolution, total:

	<i>THIS RESOLUTION</i>	<i>PREVIOUS TOTAL</i>	<i>CUMULATIVE TOTAL</i>
Current	76,000.00	0.00	76,000.00
Capital Outlay – Current	0.00	0.00	0.00
Debt Service - Current	0.00	0.00	0.00
Water/Sewer	50,000.00	0.00	50,000.00
Capital Outlay – W/S	0.00	0.00	0.00
Debt Service - W/S	0.00	0.00	0.00
TOTAL	126,000.00	0.00	126,000.00

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Hightstown (not less than two-thirds of all the members of thereof affirmatively concurring) that, in accordance with N.J.S.A. 40A:4-20:

1. An emergency temporary appropriation is hereby made for each item listed on the schedules that are attached hereto and made a part hereof;
2. Each emergency appropriation listed will be provided for in the 2023 budget under the same title as written herein;
3. One certified copy of this resolution will be filed with the Director of Local Government Services, and a copy provided to the Chief Finance Officer.

Borough of Hightstown
 Emergency Temporary No. 1
 2/21/2023

SCHEDULE "A"

Current Fund

Municipal Court	Salaries and Wages	5,000.00
Municipal Court	Other Expenses	15,000.00
Emergency Management	Salaries and Wages	1,000.00
First Aid	Other Expenses	5,000.00
Solid Waste	Salaries and Wages	25,000.00

Recycling	Other Expenses	15,000.00
Board of Health	Salaries and Wages	10,000.00
		<hr/>
Total Current Fund		<u>76,000.00</u>
 Water-Sewer Operating Fund		
Salaries and Wages		40,000.00
Social Security		<u>10,000.00</u>
Total Water Sewer Operating		<u>50,000.00</u>
Total		<u><u>126,000.00</u></u>

DISCUSSION

Budget Meeting Dates

George Lang, CFO – Stated that he would like to introduce the budget at the meeting April 3rd. All department heads have received their budget request sheets. Discussion ensued. It was agreed that Council would like to schedule two budget workshops; March 22nd and March 29th. Borough Clerk, Peggy Riggio, will secure a location and will notice the meetings.

MAYOR/COUNCIL/ADMINISTRATIVE REPORTS

Councilmember Gulati

- Housing Authority
 - Swore in a new commissioner, Anne Studholme.
 - Housing Authority would like to work on a new Cooperation Agreement with the Borough.

Councilmember Montferrat

- Planning Board
 - Working on the Fair Share Housing Plan
 - Reviewing an area in need for redevelopment.
 - Reviewed Engineer's plans for Meadow Road, Clover Lane and South Main Street Improvements.
- Municipal Facilities – Work continues with the Musial Group
- Rug mill – Still working with PRC on the redevelopment of the Mill.
- Mercer Street Warehouse. We are working with county officials. We were advised by our professionals not to attend the last meeting. We will be sticking to The Route 33 Corridor Plan. He believes that we will be successful with this. The next East Windsor Zoning Meeting is May 18th meeting. Hightstown and East Windsor residents need to speak out against this.

Councilmember Fowler

- Memorial Day Parade
 - Working on application which will be sent out in the next week or so.
- Harvest Fair
 - Application to vendors will be sent out soon.
 - We will possibly be changing the date of the fair so we can have a rain location.

Councilmember Cicalese

- Board of Health – February meeting was cancelled.
- Parks and Recreation Commission
 - Discussing Fun Friday's and other events
 - Asked about the special events permit

Council President Jackson

- Board Vacancies – Several of our commissions have vacancies. Please fill out a Citizen Leadership Form and email it to the Borough Clerk.

Borough Clerk, Peggy Riggio

- Special Events Permit
 - Working to have a Special Events Application ready to present to Council in April.
- Working on a Records Destruction to take place the end of March.
- Working with Board and Commissions to secure locations to return to in person meetings.

Dimitri Musing, Borough Administrator

- 2023 Budget

- Budget requests have gone out to all departments. They are to be returned to the CFO by March 2nd.
- East Ward Street Bridge
 - He has not update on the progress of the bridge. This is a County Project.
- The Borough was notified correctly regarding the Zoning Board hearing for the Mercer Street Warehouse.

Councilmember Fowler asked how the residents in attendance get their information about the Borough. The response was the website and social media. She encouraged everyone to sign up for the newsletter.

Mayor Bluth

- Mercer Street Warehouse
 - We were advised by our attorney that Councilmembers should not attend the Zoning Board Meeting in East Windsor. The applicant was applying for a use variance; if they were turned down, they could appeal it on the basis of undue influence by the neighboring community. So that is why we did not attend that meeting last week. We are very aware of the situation. From what we were told, there seems to have been many East Windsor residents there speaking against the warehouse also. We were also informed that the East Windsor Zoning Board's professionals were critical of the application which was why the decision was put off until May 18. We are taking this very seriously and discussing with our professionals for our the best course of action.
- Insurance – Hurricane Irene
 - The settlement check for \$1,595,000.00 was received last week and the claim has been officially closed. We thank our Borough Administrator for his hard work and perseverance in getting this finally closed.
- Cultural Arts Commission
 - Planning a Sip and Paint event tentatively scheduled for April 27th.
 - Planning for Porchfest in September.

EXECUTIVE SESSION

Resolution 2023-60 Authorizing a Meeting that Excludes the Public

Moved by Councilmember Jackson; Seconded by Councilmember Gulati.

Roll Call Vote: Councilmembers Cicalese, Fowler, Frantz, Gulati, Jackson and Montferrat voted yes.

Resolution adopted 6-0.

Resolution 2023-60

*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 February 21, 2023, 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

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 May 21, 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.

Adjourn to Executive Session at 7:33 p.m.

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

Council returned to public session at 7:58 p.m.

ADJOURNMENT 7:59 p.m.

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

Respectfully Submitted,

Margaret Riggio, RMC
Borough Clerk

Approved by Hightstown Borough Council: _____

Ordinance 2023-04

BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY

AN ORDINANCE AUTHORIZING THE SALE OF BLOCK 62, LOT 15 (105 SPRINGCREST DRIVE), IN THE BOROUGH OF HIGHTSTOWN, COUNTY OF MERCER, STATE OF NEW JERSEY, PURSUANT TO N.J.S.A. 40A:12-1, *et seq.*

WHEREAS, the Borough of Hightstown (also referenced as the “Borough”) is the record owner of certain real property known and designated as Block 62, Lot 15 on the Official Tax Map of the Borough, which property has a physical address of 105 Springcrest Drive (the “Property”), in the Borough of Hightstown, County of Mercer, State of New Jersey; and

WHEREAS, the Property is an undersized lot in the R-1 Zone and comprises approximately 3,850 square feet of land area; and

WHEREAS, the Property was previously improved with a sewer pumping station which was known colloquially as the “Springcrest Drive Pumping Station”; and

WHEREAS, the sewer pumping station is no longer necessary for the public purposes of the Borough, and has been decommissioned and removed; and

WHEREAS, given these facts, the Borough Council of the Borough of Hightstown has determined that the Property is no longer needed for any public purposes of the Borough and that it constitutes excess surplus lands; and

WHEREAS, a sale of the Property will return it to the tax rolls of the Borough and create revenues for the municipality; and

WHEREAS, the Borough Council has therefore determined that it is in the best interests of the Borough to offer the Property for sale, in accordance with the requirements of the New Jersey “Local Lands and Buildings Law,” N.J.S.A. 40A:12-1, *et seq.* (the “Act”); and

WHEREAS, N.J.S.A. 40A:12-13(b) authorizes the Borough to sell municipally owned real property at a private sale to an owner of real property that is located contiguous thereto where the Borough-owned parcel is less than the minimum size required for development under the municipal zoning ordinance and is without any capital improvements thereon; and

WHEREAS, those circumstances are present in the within situation; and

WHEREAS, N.J.S.A. 40A:12-13(b)(5) further provides that where there is more than one (1) owner of property contiguous to the parcel being offered for sale, the municipal parcel shall be sold to the highest bidder from among all such contiguous property owners, and that the sale shall be made for not less than the fair market value of the said real property; and

WHEREAS, in the current situation, there are three (3) parcels contiguous to the Property being offered for sale; and

WHEREAS, the Borough Council has determined that any sale of the Property shall be conditioned upon the Borough retaining a perpetual easement (also referenced as the “utility easement”) over, under and across the Property, which shall allow the Borough and its agents to access and maintain the existing water and sewer pipe(s) that is/are located beneath the Property in perpetuity; and

WHEREAS, a legal description and corresponding plan depicting the area of the proposed utility easement has been prepared by the Borough Engineer’s office and these documents are on file for public inspection and review in the Office of the Municipal Clerk; and

WHEREAS, the Borough’s Tax Assessor has provided an estimation of the fair market value of the Property; and

WHEREAS, the Tax Assessor’s estimate has factored in the proposed utility easement as an encumbrance on the title to the Property; and

WHEREAS, the Tax Assessor’s estimate of the Property’s fair market value, as encumbered by the proposed utility easement, is Three Thousand Nine Hundred and 00/100 dollars (\$3,900.00); and

WHEREAS, the Borough Council now wishes to authorize the sale of the Property, with said sale being conditioned upon the retention of the above-referenced perpetual utility easement in favor of the Borough, in accordance with the Act and the terms and conditions set forth herein.

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

1. That the Borough hereby declares the Property to be surplus land that is no longer needed for any public purposes of the municipality.
2. That the Borough hereby authorizes a sale of the Property to the highest bidder from among all of the three (3) owners of properties located contiguous thereto, in accordance with the requirements set forth in the Act and herein.
3. That the following conditions for the sale of the Property shall apply:
 - (a) The minimum bid for the Property shall be \$3,900.00.
 - (b) Bids will only be accepted from contiguous landowners, as the Property to be sold is undersized for development under the Borough’s Ordinances in the R-1 Zone and there are no capital improvements located thereon. Contiguous landowners for the purpose of this purchase shall be limited to the legal owner(s) of record as of the date of sale. Contract purchasers and tax lien owners are not deemed contiguous for the purpose of this sale. The successful bidder shall consolidate the Property with its existing contiguous

parcel, and this requirement shall be incorporated into the Deed as a deed restriction.

- (c) The sale shall be conducted through a sealed bid process in which the Borough shall solicit proposals from all contiguous landowners (only). Following the enactment of this Ordinance, the Borough Administrator shall send a letter (via certified mail, return receipt requested and regular mail) to all contiguous landowners, at the addresses listed of record with the Borough's tax offices, within five (5) days of the adoption of this Ordinance alerting them to the potential sale of the Property and of their right to submit a sealed bid to purchase the Property, if they are interested. Any owner of contiguous property that is interested in submitting a proposal to purchase the Property must submit their sealed bid to the attention of the Borough Clerk no later than 10 o'clock a.m. (EST) on Tuesday, April 4, 2023. The Borough Clerk shall open all bids received at 10 o'clock a.m. (EST) on Tuesday, April 4, 2023.
- (d) Following the adoption of the within Ordinance, a notice regarding the proposed sale, including the minimum bid and all other conditions, shall be posted on the bulletin board at both the temporary Borough Hall (156 Bank Street) and at the firehouse property given that the Borough Council conducts its regular meetings within the firehouse. Advertisement shall also be made in a newspaper circulating in the municipality within five (5) days following adoption of the within Ordinance. Offers for the Property may then be made for a period of at least twenty (20) days following the newspaper advertisement.
- (e) In addition to their proposal, each bidder shall be required to provide ten percent (10%) of their bid price along with the sealed bid. If the bidder is successful, the 10% deposit shall be considered a non-refundable deposit and the balance of the purchase price shall be paid at the time of closing via certified funds or bank check. The ten percent (10%) deposit shall be returned to all unsuccessful bidders.
- (f) Following the opening of the sealed bids, the Borough Council shall confirm the sale to the successful (high) bidder via Resolution to be adopted at a Council meeting held within thirty (30) days of the opening of the bids.
- (g) The successful bidder shall be required to pay any and all expenses incurred by the Borough in connection with the sale and transfer of title to the Property (up to a maximum amount of \$1,500.00), including but not limited to the payment by the purchaser of the Borough's legal, survey, title and environmental fees, if any, recording fees, advertisement costs, realty transfer fees and all other reasonable fees and costs incurred as part of the consideration. Said costs shall be itemized as part of the Settlement Statement to be prepared in anticipation of the closing and shall be paid to the Borough on the date of closing, along with the balance of the purchase price.

- (h) As a condition of the sale, a utility easement shall be reserved in favor of the Borough in perpetuity over, under and across the Property which shall allow the Borough and its agents to access and maintain the existing water and sewer pipe(s) that is/are located beneath the Property. A legal description and corresponding plan depicting the area of the proposed easement has been prepared by the Borough Engineer's office and is on file for public inspection and review in the Office of the Municipal Clerk. The easement shall be prepared by the Borough Attorney and shall be executed at or prior to the closing by the buyer(s). Following execution, the utility easement shall be recorded with the Mercer County Clerk's Office by the Borough Attorney.
 - (i) The Property is being sold in "as is" condition. The successful bidder is responsible for conducting any and all inspections and testing of the Property at its own cost and expense. The Property is being sold subject to any and all conditions, including but not limited to title issues, environmental issues, existing encumbrances, liens, easements (including the utility easement referenced above), zoning ordinances, other restrictions of record, such facts as an accurate survey would reveal, and any present or future assessments for the construction of improvements benefiting the Property. A survey of the Property may be conducted by any prospective bidder, at its discretion, as part of its due diligence.
 - (j) At the closing, the Borough shall provide a Quit Claim Deed in connection therewith. An Affidavit of Title will not be provided.
 - (k) No real estate commission(s) shall be paid in connection with the proposed sale of the Property.
 - (l) The Deed must be recorded within thirty (30) days of closing or title to the Property shall automatically revert back to the Borough of Hightstown without the necessity of entry or re-entry.
 - (m) The Borough reserves the right to accept the highest responsive bid if equal to or greater than the minimum bid price, or to reject all bids and not to award to the highest bidder. The Borough reserves the right to waive any and all defects and informalities in any proposal, and to accept or reject the highest responsible and responsive bid deemed to be in the best interests of the Borough.
 - (n) In the event it is determined that the Borough cannot convey marketable title to the Property, the Borough's sole liability shall be to return without interest the successful bidder's deposit funds. This obligation shall not survive the closing of title. It is suggested and recommended that potential bidders perform a title search and any other due diligence they deem appropriate if they are interested in submitting a bid for the Property.
4. That this Ordinance shall become effective immediately upon final passage and publication in accordance with the law.

5. 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(ies).
6. 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.

Introduced: February 21, 2023

Adopted:

ATTEST:

MARGARET RIGGIO
MUNICIPAL CLERK

SUSAN BLUTH
MAYOR



Roberts
ENGINEERING GROUP LLC
Women Business Enterprise Certified

1670 Whitehorse-Hamilton Square Rd.
Hamilton, New Jersey 08690
609-586-1141 fax 609-586-1143
www.RobertsEngineeringGroup.com

February 17, 2023

Legal Description of a Proposed 25.00 Foot Wide Utility Easement located on Lot-15, Block-62, in the Borough of Hightstown, Mercer County, New Jersey.

Beginning at a point on the southerly right of way line of Spring Crest Drive (50.00 foot ROW), said point being a distance of 329.54 feet, more or less, in a westerly direction, along the said right of way line, from the intersection with the westerly right of way line of South Main Street (50.00 foot ROW), and running; thence

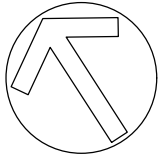
1. South 33°05'08" West, through Lot-15, a distance of 58.24 feet, more or less, to a point on the northerly line of Lot-31, Block-62; thence
2. North 55°38'45" West, along the northerly line of said Lot-31, a distance of 25.01 feet, more or less, to a point in the southeast corner of Lot-16, Block-62; thence
3. North 33°05'08" East, along the easterly line of said Lot-16, 25.00 feet westerly parallel to the first course, a distance of 61.67 feet, more or less, to a point on the aforementioned line of Spring Crest Drive; thence
4. In a southeasterly direction, along the said line of Spring Crest Drive, along an arc bearing to the left having a radius of 250.00 feet, an arc distance of 25.33 feet, more or less, to the point and place of **Beginning**.

Containing 1,482 square feet, or 0.0340 acres of land.

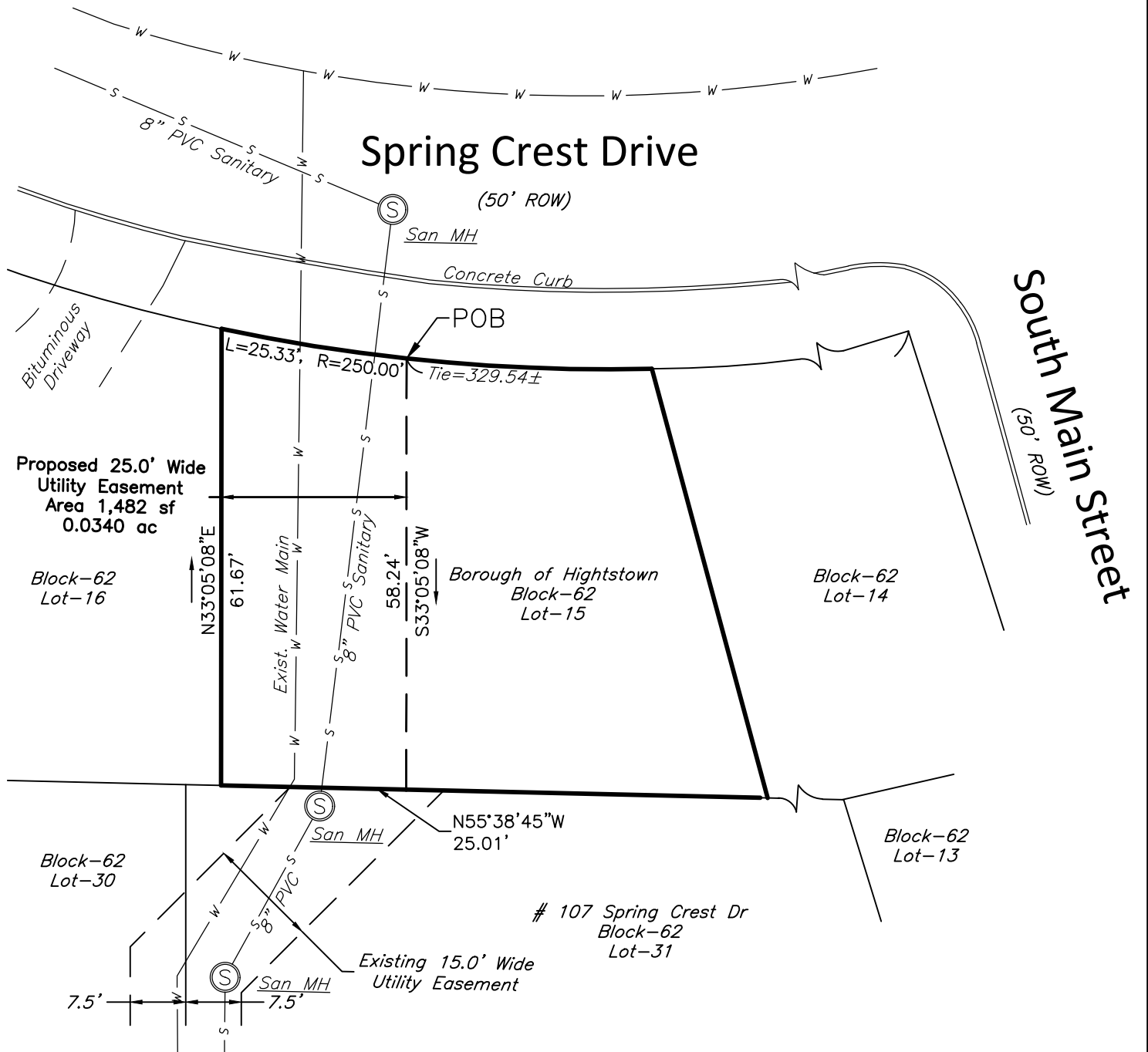
As shown on a plan entitled "Proposed Utility Easement Plan, of Lot-15, Block-62 for the Borough of Hightstown, Hightstown Borough, Mercer County, New Jersey" dated February 17, 2023, and prepared by Roberts Engineering Group LLC, Ted W. Pivovarnick, NJPLS#35868

A handwritten signature in black ink, appearing to read "Ted W. Pivovarnick", is written over a horizontal line.

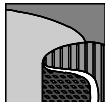
Ted W. Pivovarnick, NJPLS#35868



Deed North



Scale: 1" = 20'
Date: 2/17/2023



Roberts
ENGINEERING GROUP LLC
Wisconsin Dells, Wisconsin

CERTIFICATE OF AUTHORIZATION-
24GA28159100

1670 Whitehorse-Hamilton Square Rd
Hamilton, New Jersey 08690
609 586 1141 Fax 609 586 1143

Ted W. Pivovarnick
N.J.P.L.S. Licence #35868

2/17/23
Date

Proposed Utility Easement Plan
of Lot-15, Block-62 for
Borough of Hightstown
Located in
Borough of Hightstown, Mercer County, New Jersey

Resolution 2023-61

*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 \$574,743.23 from the following accounts:

Current		\$404,496.45
W/S Operating		144,097.78
General Capital		2,555.00
Water/Sewer Capital		14,206.50
Grant		0.00
Trust		0.00
Unemployment Trust		0.00
Animal Control		0.00
Law Enforcement Trust		0.00
Tax Lien Trust		0.00
Public Defender Trust		0.00
Housing Trust		0.00
Escrow		<u>9,387.50</u>
Total		<u>\$574,743.23</u>

CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on March 6, 2023.

Margaret Riggio
Borough Clerk

Date: March 6, 2023

To: Mayor and Council

From: Finance Office

Re: Manual Bill List for 3/6/23

<u>CURRENT ACCOUNT</u>	<u>DATE ISSUED</u>	<u>PO #</u>	<u>CHECK #</u>	<u>Amount</u>
DEVAL PATEL	2/22/2023	23-00139	35172	\$ 639.00
MERCER COUNTY SOIL CONSERVATION DISTRICT	2/22/2023	22-01522	035171	\$ 985.00
PSE & G	2/22/2023	23-00225	035170	\$ 1,061.57
NJ DEPT OF TRANSPORTATION	2/24/2023	23-00242	035175	\$ 200.00
NJ DEPT OF TRANSPORTATION	2/24/2023	22-00241	035174	\$ 1,000.00
ALLIED PAINTING, INC	2/27/2023	22-01266-06	035178	\$ 31,360.00
JANINE M. KRUPA	3/1/2023	23-00244	035180	\$ 2,364.82
EAST WINDSOR REGIONAL SCHOOL	3/1/2023	23-00150	1569	\$ 312,755.00
TOTAL				\$ 350,365.39
<u>WATER AND SEWER OPERATING</u>				
WEBSTER BANK	3/1/2023	23-00113	1393	\$ 115,109.55
TOTAL				\$ 115,109.55
<u>ESCROW</u>				
TOTAL				\$ -
<u>GRANT</u>				
TOTAL				\$ -
<u>TRUST- OTHER</u>				
TOTAL				\$ -
<u>ANIMAL CONTROL TRUST</u>				
TOTAL				\$ -
<u>LAW ENFORCEMENT TRUST</u>				
TOTAL				\$ -
<u>UNEMPLOYMENT TRUST</u>				
TOTAL				\$ -
<u>PUBLIC DEFENDER TRUST</u>				
TOTAL				\$ -
<u>TAX LIEN TRUST</u>				
TOTAL				\$ -
<u>GENERAL CAPITAL</u>				
TOTAL				\$ -
<u>WATER AND SEWER CAPITAL</u>				
TOTAL				\$ -
MANUAL TOTAL				\$ 465,474.94

P.O. Type: All Include Project Line Items: Yes Open: N Paid: N Void: N
 Range: First to Last Rcvd: Y Held: Y Aprv: N
 Format: Detail without Line Item Notes Bid: Y State: Y Other: Y Exempt: Y
 Vendors: All Include Non-Budgeted: Y
 Rcvd Batch Id Range: First to Last

Vendor #	Name	PO #	PO Date	Description	Contract Amount	PO Type Charge Account	Acct Type Description	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date	Invoice	1099 Excl
C0968 BOARDWALK REGENCY CORPORATION													
		23-00208	02/16/23	HOTEL ACCOMODATIONS									
		1		HOTEL ACCOMODATIONS	584.00	3-01-25-240-001-042	B Education & Training	R	02/16/23	03/01/23		CONFIRM# LCV34	N
		Vendor Total:			584.00								
BRTTE005 BRT TECHNOLOGIES LLC													
		22-01124	09/15/22	ANNUAL ASSESSMENT NOTICES			B						
		5		POSTAGE INCREASE	66.12	3-01-20-150-001-024	B Postage & Express Charges	R	02/21/23	03/01/23		2517	N
		6		CARDS ANNUAL ASSESSMENT	214.89	2-01-20-150-001-023	B Printing - Assessment Notices	R	09/15/22	03/01/23		2024	N
					281.01								
		Vendor Total:			281.01								
BUCKM005 BUCK MINING & MATERIAL INC													
		23-00232	02/24/23	REMAINDER OF 2022 LEAVES									
		1		REMAINDER OF 2022 LEAVES	288.00	2-01-26-311-001-166	B LEAF DISPOSAL	R	02/24/23	03/01/23		1090	N
		Vendor Total:			288.00								
C0058 CINTAS CORPORATION #061													
		23-00138	02/06/23	UNIFORM ADVANTAGE JAN 2023									
		1		INV 4142670939 1/31/23	58.97	3-09-55-501-002-507	B Uniforms & Safety Equipment	R	02/06/23	03/01/23		4142670939	N
		2		INV 4143446059 1/13/23	58.97	3-09-55-501-002-507	B Uniforms & Safety Equipment	R	02/06/23	03/01/23		4143446059	N
		3		INV 4144156687 1/20/23	58.97	3-09-55-501-002-507	B Uniforms & Safety Equipment	R	02/06/23	03/01/23		4144156687	N
		4		INV 4144859949 1/27/23	60.60	3-09-55-501-002-507	B Uniforms & Safety Equipment	R	02/06/23	03/01/23		4144859949	N
					237.51								
		Vendor Total:			237.51								

Vendor # Name	PO #	PO Date	Description	Amount	Contract Charge	PO Type Account	Acct Type Description	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date	Invoice	1099 Excl
Q0176 EUROFINS QC, LLC													
	23-00221	02/17/23	WATER ANALYLIS										
	1 INV	6300037314	WATER ANALYLIS	455.00	3-09-55-501-001-532		B Outside Testing/Labs	R	02/17/23	03/01/23		6300037314	N
	2 INV	6300037323	WATER ANALYLIS	141.00	3-09-55-501-001-532		B Outside Testing/Labs	R	02/17/23	03/01/23		6300037323	N
				596.00									
23-00234 02/24/23 WATER ANALYSIS													
	1 INV	6300037537	WATER ANALYSIS	197.50	3-09-55-501-001-532		B Outside Testing/Labs	R	02/24/23	03/01/23		6300037537	N
	2 INV	6300037640	WATER ANALYSIS	247.50	3-09-55-501-001-532		B Outside Testing/Labs	R	02/24/23	03/01/23		6300037640	N
				445.00									
			Vendor Total:	1,041.00									
FOUND005 FOUNDATION TITLE, LLC --													
	23-00217	02/17/23	TITLE SEARCH 217 MAXWELL PUMP										
	1 TITLE	ABSTRACT OR TITLE SEARCH		295.00	3-09-55-501-002-549		B MAXWELL AVE PUMPING STATION	R	02/17/23	03/01/23		2/16/23	N
			Vendor Total:	295.00									
S0081 GARY STEVENS													
	23-00186	02/13/23	WEBSITE AND NEWSLETTER										
	1 WEBSITE	MAINTENANCE		1,800.00	2-01-20-140-001-060		B Internet Services and Web Services	R	02/13/23	03/01/23		0001192	N
	2 NEWSLETTER	MAY - OCT 2022		300.00	2-01-20-140-001-060		B Internet Services and Web Services	R	02/13/23	03/01/23		0001192	N
				2,100.00									
			Vendor Total:	2,100.00									
M0714 GENSERVE, INC.													
	23-00088	01/31/23	B SERVICE FH GENERATOR										
	1 INV	0328309-IN - B SERVICE		200.00	3-01-26-310-001-040		B Generator-Municipal Bldg	R	01/31/23	03/01/23		0328309	N
			Vendor Total:	200.00									
G1077 GEORGE S. COYNE CO., INC.													
	23-00148	02/08/23	RES 2022-207 HYDROFLUOSILIC			B							
	2 INV	400587	2/3/23HYDROFLUOSILIC	870.95	3-09-55-501-001-528		B Fluorosilic Acid-	R	02/08/23	03/01/23		400587	N

Vendor #	Name	PO #	PO Date	Description	Amount	Contract Charge Account	PO Type	Acct Type Description	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date	Invoice	1099 Excl
G1077 GEORGE S. COYNE CO., INC. Continued														
		23-00149	02/08/23	RES 2022-204 CHLORINE			B							
		2 INV	400587	2/3/23 CHLORINE	1,792.86	3-09-55-501-001-526		B Chlorine	R	02/08/23	03/01/23		400587	N
		Vendor Total:			2,663.81									
G0115 GILMARTIN, ROBERT D.														
		22-00554	05/12/22	BOH RECORDING SECRETARY 2022			B							
		8 BOH	RECORDING SECRETARY	9/1/22	98.70	2-01-27-330-001-039		B Recording Secty.	R	06/13/22	03/01/23		9/1/22	N
		9 BOH	RECORDING SECRETARY		98.70	2-01-27-330-001-039		B Recording Secty.	R	02/16/23	03/01/23		10/12/22	N
		10 BOH	RECORDING SECRETARY		98.70	2-01-27-330-001-039		B Recording Secty.	R	02/16/23	03/01/23		11/9/22	N
					296.10									
		Vendor Total:			296.10									
HILLW005 HILL-WALLACK, LLP														
		23-00253	02/28/23	LEGAL INVOICES JANUARY 2023										
		1 GENERAL	MATTERS		2,450.25	3-01-20-155-001-027		B General Matters	R	02/28/23	03/01/23		704994	N
		2 ENGINEERING	MATTERS		280.50	3-01-20-155-001-027		B General Matters	R	02/28/23	03/01/23		704973	N
		3 BORO OF HIGHTSTOWN V.	CHARON		84.00	3-01-20-155-001-027		B General Matters	R	02/28/23	03/01/23		704973	N
		4 BORO OF HIGHTSTOWN V.			84.00	3-01-20-155-001-027		B General Matters	R	02/28/23	03/01/23		704976	N
		5 BORO OF HIGHTSTOWN V.			150.00	3-01-20-155-001-027		B General Matters	R	02/28/23	03/01/23		704977	N
		6 BORO OF HIGHTSTOWN V.			117.00	3-01-20-155-001-027		B General Matters	R	02/28/23	03/01/23		704979	N
		7 OPRA	MATTERS		33.00	3-01-20-155-001-027		B General Matters	R	02/28/23	03/01/23		704980	N
		8 LABOR	MATTERS		16.50	3-01-20-155-001-031		B Labor, Personnel & Union Council	R	02/28/23	03/01/23		704981	N
		9 RESOLUTIONS			16.50	3-01-20-155-001-027		B General Matters	R	02/28/23	03/01/23		704982	N
		10 ORDINANCES			33.00	3-01-20-155-001-027		B General Matters	R	02/28/23	03/01/23		704983	N
		11 HIGHTSTOWN ADV.	PRESBYTERIAN		198.00	3-01-20-155-001-027		B General Matters	R	02/28/23	03/01/23		704985	N
		12 AFFORDABLE HOUSING	MATTERS		150.00	3-01-20-155-001-027		B General Matters	R	02/28/23	03/01/23		704988	N
		13 HIGHTSTOWN HOUSING	AUTHORITY		313.50	3-01-20-155-001-027		B General Matters	R	02/28/23	03/01/23		704989	N
		14 LITIGATION	MATTERS		709.50	3-01-20-155-001-033		B Litigation	R	03/01/23	03/01/23		704990	N
		15 RUGMILL REDEVELOPMENT			33.00	3-01-20-155-001-027		B General Matters	R	03/01/23	03/01/23		704991	N
		16 BORO OF HIGHTSTOWN ADV.			3,561.00	3-01-20-155-001-027		B General Matters	R	03/01/23	03/01/23		704992	N
		17 BORO OF HIGHTSTOWN/CANNABIS			775.50	3-01-20-155-001-027		B General Matters	R	03/01/23	03/01/23		704993	N
					9,005.25									
		Vendor Total:			9,005.25									

Vendor # Name	PO #	PO Date	Description	Contract	PO Type	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date	Invoice	1099 Excl
H1100 HOME DEPOT CREDIT SERVICES											
23-00236 02/24/23 FEB 2023 INVOICES											
	1 INV	5523058	- RATCHET STRAP/	7.12	3-01-26-290-001-127	B Street Repair & Maintenance	R	02/24/23	03/01/23	5523058	N
	2 INV	2040551	- ADAPTER/BIT	49.76	3-09-55-501-001-503	B Water Plant Maintenance	R	02/24/23	03/01/23	2040551	N
	3 INV	7511688	- MORTAR MIX	16.94	3-01-26-290-001-127	B Street Repair & Maintenance	R	02/24/23	03/01/23	7511688	N
				<u>73.82</u>							
	Vendor Total:			73.82							
INTER015 INTERSTATE WASTE SERVICES OF											
23-00006 01/17/23 MUNICIPAL RECYCLING											
	4	MUNICIPAL RECYCLING		11,659.25	B 3-01-26-311-001-029	B Recycling Contract co-mingle-paper/cdbd	R	02/23/23	03/01/23	8752338	N
	Vendor Total:			11,659.25							
J0257 JCP&L											
23-00246 02/28/23 MASTER 200 000 055 364											
	1	100 008 438 010	125 S MAIN ST	7.96	3-01-31-430-001-071	B Electric-Borough Hall	R	02/28/23	03/01/23	95019237606	N
	2	100 008 438 283	MAIN/STOCKTON	33.94	3-01-31-430-001-071	B Electric-Borough Hall	R	02/28/23	03/01/23	95019237606	N
	3	100 008 482 018	RT 33/MAXWELL	30.75	3-01-31-430-001-071	B Electric-Borough Hall	R	02/28/23	03/01/23	95019237606	N
	4	100 010 898 904	FRANKLIN &	33.94	3-01-31-430-001-071	B Electric-Borough Hall	R	02/28/23	03/01/23	95019237606	N
	5	100 012 487 714	148 N MAIN ST	548.15	3-01-31-430-001-071	B Electric-Borough Hall	R	02/28/23	03/01/23	95019237606	N
	6	100 012 529 457	OAK LANE	38.17	3-09-55-501-002-504	B Electricity	R	02/28/23	03/01/23	95019237606	N
				<u>692.91</u>							
	Vendor Total:			692.91							
J0258 JCP&L (STREET LIGHTING)											
23-00224 02/21/23 ACCT 724 & 765 DATED 2/15/23											
	1	100 011 415 724	STREET LIGHTS	407.28	3-01-31-435-001-075	B Street Lighting	R	02/21/23	03/01/23	95197934454	N
	2	100 011 415 765	STREET LIGHTS	1,863.68	3-01-31-435-001-075	B Street Lighting	R	02/21/23	03/01/23	95197934455	N
				<u>2,270.96</u>							
	Vendor Total:			2,270.96							

Vendor #	Name	PO #	PO Date	Description	Amount	Contract Charge Account	PO Type	Acct Type Description	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date	Invoice	1099 Excl
J0378 KENNCO LLC														
		23-00130	02/03/23	MONTHLY CYLINDER RENTAL										
		1 INV	R18471	- CYLINDER RENTAL	36.60	3-01-26-290-001-044		B Professional Assoc. Dues	R	02/03/23	03/01/23		R18471	N
		Vendor Total:			36.60									
K0917 KENNETH LARSEN														
		23-00240	02/24/23	UNIFORM ALLOWANCE - LARSEN										
		1 UNIFORM ALLOWANCE - LARSEN			156.00	3-01-25-240-001-043		B Uniform Allowance/Leather Gds.	R	02/24/23	03/01/23		LARSEN	N
		Vendor Total:			156.00									
LAWSO005 LAWSON PRODUCTS, INC.														
		23-00219	02/17/23	NUTS/BOLTS/FASTENERS										
		1 SALES QUOTE	21803587		405.40	3-01-26-290-001-050		B DPW Work Equipment	R	02/17/23	03/01/23		21803587	N
		Vendor Total:			405.40									
L0037 LINCOLN FINANCIAL GROUP														
		23-00206	02/15/23	MARCH 2023 LIFE INSURANCE										
		1 MARCH 2023 LIFE INSURANCE			281.48	3-01-23-210-003-115		B Medical Ins-Emp1 Grp Health	R	02/15/23	03/01/23		MARCH 2023	N
		2 MARCH 2023 LIFE INSURANCE			5.91	3-01-23-210-003-115		B Medical Ins-Emp1 Grp Health	R	02/15/23	03/01/23		MARCH 2023	N
		3 MARCH 2023 LIFE INSURANCE			63.56	3-09-55-501-002-514		B Insurance	R	02/15/23	03/01/23		MARCH 2023	N
		4 MARCH 2023 LIFE INSURANCE WTP			18.16	3-09-55-501-001-514		B INSURANCE	R	02/15/23	03/01/23		MARCH 2023	N
					369.11									
		Vendor Total:			369.11									
M1076 MCMANIMON, SCOTLAND & BAUMANN														
		23-00119	02/03/23	Services through 12/31/2022										
		1 #201767;srvc	thru 12/31/22		3,262.50	3PRCLLC		P Site Plan Application #2020-01	R	02/03/23	03/01/23		201767	N
		23-00215	02/17/23	PROFESSIONAL SVCS-ORDINANCES										
		1 BOND ORDINANCE PROVIDING			600.00	C-08-55-970-001-544		B 2022-22 WATER METER REPLACEMENTS SEC 20	R	02/17/23	03/01/23		201764	N
		2 BOND ORDINANCE PROVIDING			300.00	C-04-55-898-003-447		B FIRE DEPT SECTION 20	R	02/17/23	03/01/23		201764	N
		3 BOND ORDINANCE PROVIDING			300.00	C-04-55-898-005-447		B DPW -AUTOMATED GARBAGE TRUCK SEC 20	R	02/17/23	03/01/23		201764	N
		4 ORDINANCE AMENDING SECTION6(D)			600.00	C-04-55-890-000-447		B SPRINGCREST, SPRUCE, GLEN 20-05 sec 20	R	02/17/23	03/01/23		201764	N
		5 BOND ORDINANCE PROVIDING A			600.00	C-04-55-890-000-447		B SPRINGCREST, SPRUCE, GLEN 20-05 sec 20	R	02/17/23	03/01/23		201764	N

Vendor #	Name	PO #	PO Date	Description	Amount	Contract Charge Account	PO Type	Acct Type Description	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date	Invoice	1099 Excl
M1076	MCMANIMON, SCOTLAND & BAUMANN	Continued												
23-00215	02/17/23	PROFESSIONAL SVCS-ORDINANCES		Continued										
6	BOND ORDINANCE PROVIDING A	600.00		C-04-55-876-001-447		B IMP STOCKTON ST & JOSEPH ST 15-15 SEC 20	R		02/17/23	03/01/23		201764	N	
		<u>3,000.00</u>												
23-00229	02/24/23	Prof. Services through 1/31/23												
1	Project agreements	5,700.00		3PRCLLC		P Site Plan Application #2020-01	R		02/24/23	03/01/23		202965	N	
	Vendor Total:	11,962.50												
M0180	MCMASTER-CARR													
23-00193	02/13/23	DRUM FAUCET/AIR RELEASE VALVE												
1	INV 92381928 - DRUM FAUCET	15.96		3-01-26-290-001-050		B DPW Work Equipment	R		02/13/23	03/01/23		92381928	N	
2	INV 92472019 - AIR RELSE VLVE	146.25		3-09-55-501-001-503		B Water Plant Maintenance	R		02/13/23	03/01/23		94272017	N	
		<u>162.21</u>												
	Vendor Total:	162.21												
M0053	MES - PENNSYLVANIA													
23-00238	02/24/23	ANNUAL SCUBA SVC REPAIRS												
1	ANNUAL SCUBA SVC REPAIRS	1,783.20		3-01-25-252-002-123		B Test Air Packs	R		02/24/23	03/01/23		IN1832851	N	
	Vendor Total:	1,783.20												
N0076	NANCY ALEXANDER													
23-00212	02/17/23	MILEAGE REIMBURSEMENT												
1	MILEAGE REIMBURSEMENT	21.94		3-01-25-240-001-199		B Miscellaneous	R		02/17/23	03/01/23		1/23/23	N	
2	NJ EZ PASS TOLLS	4.20		3-01-25-250-001-199		B Miscellaneous	R		02/17/23	03/01/23		1/23/23	N	
3	MILEAGE REIMBURSEMENT	21.94		3-01-25-240-001-199		B Miscellaneous	R		02/17/23	03/01/23		1/23/23	N	
		<u>48.08</u>												
	Vendor Total:	48.08												
N0652	NJ STATE POLICE CHIEF ASSN													
23-00216	02/17/23	TRAINING: ESPOSITO - MECCA												
1	TRAINING: ESPOSITO - MECCA	598.00		3-01-25-240-001-042		B Education & Training	R		02/17/23	03/01/23		IN-14847	N	
	Vendor Total:	598.00												

Vendor #	Name	PO #	PO Date	Description	Amount	Contract Charge Account	PO Type	Acct Type Description	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date	Invoice	1099 Excl
PANTA005 PANTANO NURSERY														
23-00196	02/13/23	REPAIR TO LEAF BLOWER												
1	INV 359	REPAIR TO LEAF BLOWER	57.45	3-01-26-311-001-034	B Equipment Parts & Accessories	R	02/13/23	03/01/23	359					N
Vendor Total:			57.45											
PARKP005 PARK PUMPS AND CONTROLS, INC														
23-00226	02/22/23	RES 2022-211 SODIUM BICARB				B								
2	INV 3515	SODIUM BICARBONATE	2,744.00	3-09-55-501-002-552	B Sodium Bicarbonate	R	02/22/23	03/01/23	3515					N
Vendor Total:			2,744.00											
PEOPL005 PEOPLES PLUMBING LLC														
23-00047	01/24/23	JAN-MAR 1ST QTR BACKFLOW INSP												
1	JAN-MAR 1ST QTR	BACKFLOW INSP	500.00	3-09-55-501-002-518	B Service Contracts - AWWTP	R	01/24/23	03/01/23	I11266					N
Vendor Total:			500.00											
P0044 PSE&G														
23-00247	02/28/23	MASTER 13 014 184 04 2/22/23												
1	7341583509	140 N MAIN ST	2,084.80	3-01-31-446-001-143	B Gas/Heat - Fire House	R	02/28/23	03/01/23	503100113218					N
2	7341583509	140 N MAIN ST	16.27	3-01-31-446-001-143	B Gas/Heat - Fire House	R	02/28/23	03/01/23	503100113218					N
3	7341583606	148 N MAIN ST	2,521.74	3-01-31-446-001-070	B Gas Heat - Borough Hall	R	02/28/23	03/01/23	503100113218					N
4	7341583606	148 N MAIN ST	16.67	3-01-31-446-001-070	B Gas Heat - Borough Hall	R	02/28/23	03/01/23	503100113218					N
5	7341583703	BANK ST	1,006.23	3-09-55-501-001-505	B Gas Service	R	02/28/23	03/01/23	503100113218					N
6	7341583703	BANK ST	6.65	3-09-55-501-001-505	B Gas Service	R	02/28/23	03/01/23	503100113218					N
7	7341583800	OAK LANE	8,066.24	3-09-55-501-002-505	B Gas Service	R	02/28/23	03/01/23	503100113218					N
8	7341583800	OAK LANE	51.47	3-09-55-501-002-505	B Gas Service	R	02/28/23	03/01/23	503100113218					N
			<u>13,770.07</u>											
Vendor Total:			13,770.07											
REDAR005 RED ARROW TECHNOLOGIES, LLC														
23-00188	02/13/23	DPW WORKSTATION												
1	DPW ON SITE SUPPORT		150.00	3-01-26-310-001-054	B Computer Soft/Maintenance	R	02/13/23	03/01/23	12159					N
2	DPW WORKSTATION		699.99	3-01-26-310-001-054	B Computer Soft/Maintenance	R	02/13/23	03/01/23	12159					N

Vendor # Name	PO #	PO Date	Description	Contract	PO Type	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date	Invoice	1099 Excl
REDAR005 RED ARROW TECHNOLOGIES, LLC Continued											
23-00188	02/13/23	DPW WORKSTATION	Continued								
3		DPW WORKSTATION - VGA ADAPTER	19.99	3-01-26-310-001-054	B Computer Soft/Maintenance	R	02/13/23	03/01/23			N
			869.98								
23-00202 02/13/23 VOIP SVCS FEB 23 HFD & MAIN											
1		VOIP SVCS FEB 23 HFD	120.15	3-01-31-440-001-085	B Telephone-Block Line Systems, LLC LSI	R	02/13/23	03/01/23		12181	N
2		VOIP SVCS FEB 23 MAIN	491.75	3-01-31-440-001-085	B Telephone-Block Line Systems, LLC LSI	R	02/13/23	03/01/23		12181	N
			611.90								
23-00233 02/24/23 VOIP SVCS FEB 23 AWWTP/POLICE											
1		VOIP SVCS FEB 23 AWWTP	178.18	3-01-31-440-001-085	B Telephone-Block Line Systems, LLC LSI	R	02/24/23	03/01/23		12231	N
2		VOIP SVCS FEB 23 POLICE	398.55	3-01-31-440-001-085	B Telephone-Block Line Systems, LLC LSI	R	02/24/23	03/01/23		12231	N
			576.73								

Vendor Total: 2,058.61

R0077 ROBERTS ENGINEERING GRP LLC											
23-00249 02/28/23 BILLING THROUGH FEB 2023											
1		MISC REQUESTS	825.00	3-01-20-165-001-028	B General Engineering	R	02/28/23	03/01/23		6932	N
2		FEMA FLOOD INSURANCE	120.00	3-01-20-165-001-028	B General Engineering	R	02/28/23	03/01/23		6933	N
3		STORM WATER PERMIT	400.00	3-01-20-165-001-106	B Misc. Road & Drainage Issues(B	R	02/28/23	03/01/23		6934	N
4		TAX MAINTENANCE 2023	1,357.50	3-01-20-165-001-028	B General Engineering	R	02/28/23	03/01/23		6935	N
5		TAX MAINTENANCE 2023	1,357.50	3-01-20-165-001-028	B General Engineering	R	02/28/23	03/01/23		6935	N
6		MISC ROADS	1,537.50	3-01-20-165-001-028	B General Engineering	R	02/28/23	03/01/23		6936	N
7		EAST WARD ST ROUNDABOUT	82.50	3-01-20-165-001-028	B General Engineering	R	02/28/23	03/01/23		6937	N
8		CHEMICALS & SLUDGE REMOVAL	210.00	3-09-55-501-002-508	B Engineer	R	02/28/23	03/01/23		6938	N
9		WATER TANKS	2,691.25	C-08-55-963-000-544	B DESIGN COSTS WATER TANKS/STANDPIPE	R	02/28/23	03/01/23		6939	N
10		AWWTP ACTIVATED SLUDGE	4,303.75	C-08-55-963-000-544	B DESIGN COSTS WATER TANKS/STANDPIPE	R	02/28/23	03/01/23		6941	N
11		SANITARY COLLECTION O&M MANUAL	236.25	3-09-55-501-002-508	B Engineer	R	02/28/23	03/01/23		6942	N
12		IMPROVEMENTS TO RAILROAD AVE	183.75	3-09-55-501-002-508	B Engineer	R	02/28/23	03/01/23		6945	N
13		IMPROVEMENTS TO HAUSSER AVE,	1,248.75	3-09-55-501-002-508	B Engineer	R	02/28/23	03/01/23		6946	N
14		STOCKTON ST CURB & SIDEWALK	155.00	C-04-55-880-001-447	B RETAINING WALL 17-9, STOCKTON SIDEW SEC20	R	02/28/23	03/01/23		6947	N
15		IMPROVEMENTS TO ORCHARD AVE,	3,185.00	C-08-55-969-001-544	B IMP TO ORCHARD, CLOVER & S. MAIN SEC 20	R	02/28/23	03/01/23		6949	N
16		GENERAL SEWERS	1,367.50	3-09-55-501-002-508	B Engineer	R	02/28/23	03/01/23		6952	N
17		GENERAL WATER	1,125.00	3-09-55-501-001-508	B Engineer	R	02/28/23	03/01/23		6953	N

Vendor # Name	PO # PO Date Description	Contract PO Type	Amount Charge Account	Acct Type Description	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date	Invoice	1099 Excl
V0022 VERIZON WIRELESS										
	23-00228 02/23/23 INV 9927173247 HPD									
	1 INV 9927173247 HPD		266.15	3-01-31-440-001-079	B Telephone-VERIZON WIRELESS	R	02/23/23	03/01/23	9927173247	N
	Vendor Total:		266.15							
VIKIN005 VIKING TERMITE & PEST CONTROL										
	23-00152 02/09/23 JAN 2023 PEST SERVICE									
	1 INV 900717041 JAN 23 PEST SERV		20.00	3-01-26-310-001-025	B Building Rental	R	02/09/23	03/01/23	900717041	N
	2 INV 900717053 JAN 23 PEST SERV		20.00	3-01-26-310-001-025	B Building Rental	R	02/09/23	03/01/23	900717053	N
			40.00							
	Vendor Total:		40.00							
W0002 W.B. MASON CO., INC.										
	23-00197 02/13/23 OFFICE SUPPLIES FEB 2023									
	1 CENTRAL OFFICE SUPPLIES		181.66	3-01-20-125-001-036	B Office Supplies	R	02/13/23	03/01/23	236290463	N
	2 WATER PLANT OFFICE SUPPLIES		50.41	3-09-55-501-001-509	B Office Supplies/Downtown	R	02/13/23	03/01/23	2236290463	N
	3 AWWTP OFFICE SUPPLIES		45.71	3-09-55-501-002-509	B Office Supplies - Admin.	R	02/13/23	03/01/23	236290463	N
			277.78							
	Vendor Total:		277.78							
W0071 WASTE MGMT OF NEW JERSEY, INC.										
	22-00570 05/17/22 GRIT & SCREENING RES 2020-230	B								
	7 INV3110039-0502-4 12/30/22		921.10	2-09-55-501-002-540	B Grit/Screening Disposal-Waste Mgmt	R	12/19/22	03/01/23	3110039-0502-4	N
	23-00014 01/19/23 RES 2022-202 SLUDGE EXTENSION	B								
	2 INV 3110091-0502-5 2/1/23		4,551.75	3-09-55-501-002-538	B Sludge Removal/Disposal-Waste Management	R	01/19/23	03/01/23	3110091-0502-5	N
	23-00147 02/08/23 DUMPSTER RES2020-136 TO7/31/23	B								
	5 INV 3110852-0502-6 2/1/23		545.90	3-01-26-305-001-029	B Contract-Dumpsters	R	02/08/23	03/01/23	3110082-0502-6	N
	6 INV 3110852-0502-6 2/1/23		363.59	3-01-26-305-001-029	B Contract-Dumpsters	R	02/23/23	03/01/23	3110082-0502-6	N
			909.49							
	Vendor Total:		6,382.34							

March 1, 2023
12:20 PM

Hightstown Borough Council
March 6, 2023 Meeting
Borough of Hightstown
Bill List By Vendor Name

Vendor #	Name												
PO #	PO Date	Description	Contract	PO Type		First	Rcvd	Chk/Void		1099			
Item Description	Amount	Charge	Account	Acct Type	Description	Stat/Chk	Enc Date	Date	Date	Invoice	Excl		
<hr/>													
Total Purchase Orders:	59	Total P.O. Line Items:	144	Total List Amount:	109,268.29	Total Void Amount:	0.00						
<hr/>													

Totals by Year-Fund								
Fund Description	Fund	Budget Rcvd	Budget Held	Budget Total	Revenue Total	G/L Total	Project Total	Total
CURRENT FUND	2-01	5,469.89	0.00	5,469.89	0.00	0.00	0.00	5,469.89
	2-09	921.10	0.00	921.10	0.00	0.00	0.00	921.10
	Year Total:	6,390.99	0.00	6,390.99	0.00	0.00	0.00	6,390.99
CURRENT FUND	3-01	48,661.17	0.00	48,661.17	0.00	0.00	0.00	48,661.17
	3-09	28,067.13	0.00	28,067.13	0.00	0.00	0.00	28,067.13
	3-21	0.00	0.00	0.00	0.00	0.00	9,387.50	9,387.50
	Year Total:	76,728.30	0.00	76,728.30	0.00	0.00	9,387.50	86,115.80
GENERAL CAPITAL	C-04	2,555.00	0.00	2,555.00	0.00	0.00	0.00	2,555.00
WATER/SEWER CAPITAL	C-08	14,206.50	0.00	14,206.50	0.00	0.00	0.00	14,206.50
	Year Total:	16,761.50	0.00	16,761.50	0.00	0.00	0.00	16,761.50
Total of All Funds:		99,880.79	0.00	99,880.79	0.00	0.00	9,387.50	109,268.29

Project Description	Project No.	Rcvd Total	Held Total	Project Total
Bulk Variance	2022-07	385.00	0.00	385.00
Site Plan Application #2020-01	3PRCLLC	8,962.50	0.00	8,962.50
Clinton Street	HTELLC	40.00	0.00	40.00
Total of All Projects:		<u>9,387.50</u>	<u>0.00</u>	<u>9,387.50</u>

Resolution 2023-62

BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY

AMENDING THE PERSONNEL POLICY MANUAL OF THE BOROUGH OF HIGHTSTOWN

WHEREAS, The Borough Administrator has recommended that the Borough amend the Personnel Policy Manual to reflect updated policy changes for Borough Employees; and

WHEREAS, the Borough Council has determined that the Borough should amend the Personnel Policy Manual.

BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the following sections of the *Personnel Policy Manual of the Borough of Hightstown* are hereby amended as follows (additions underlined, deletions in ~~strikeout text~~):

5-7. Sick leave.

- A. As used in this section, "sick leave" means paid leave that may be granted to each full-time or part-time Borough employee. ~~who, through sickness or injury, becomes incapacitated to a degree that makes it impossible for him/her to perform the duties of his position or who is quarantined by a physician because he has been exposed to a contagious disease.~~ Sick leave must be accrued before it is used. Sick leave may be granted to ~~an employee due to the serious illness (requiring hospitalization or nursing care) of an employee's spouse; however, not in excess of five (5) working days.~~ care for their own, or a family member's physical or mental health or injury; address domestic or sexual violence; attend a child's school-related meeting, conference, or event, take care of children when school or child care is closed due to an epidemic or public health emergency. Part-time employees are not eligible for sick leave. All absence due to ~~illness or disability~~ "sick leave" shall be reported immediately by or for the employee to ~~his~~ their department head with indication of expected duration.
- B. Full-time employees shall be entitled to one (1) sick leave day with pay for each month worked. Sick leave may not be used in advance of its accrual. Employees shall not be paid for absences due to sickness during the first three (3) months of employment.
- C. Part-time employees accrue 1 hour of earned sick leave for every 30 hours worked, up to a maximum of 40 hours of leave per calendar year pursuant to N.J.S.A. 34:11D-1 et seq.

- ~~CD.~~ Upon returning to work after four (4) or more consecutive days of absence due to illness, an employee shall present a doctor's certificate to his/her department head indicating employee is fit to return to duty and the extent of absence required.
- ~~DE.~~ An employee will be eligible to start receiving sick leave beginning on the first day of absence, provided that notice has been given to the department head.
- ~~C-F~~ The Borough reserves the right to request a medical examination by a physician designated by the Borough before an employee is permitted to return to work.
- ~~FG.~~ The Borough may require a medical examination by a Borough-selected physician before any sick leave benefits are paid.
- ~~GH.~~ A full-time employee may accumulate a maximum of ninety (90) days of unused sick leave. All unused sick leave is forfeited upon separation from employment or death, except that, upon retirement pursuant to the Public Employees Retirement System, any non-union Borough employee with *30 years or more of service* to the Borough AND who is not subject to any employment contract AND is not terminated from employment shall be entitled to be paid for accumulated unused sick leave up to a maximum of 90 days or \$10,000, whichever is less.
- ~~H.~~ Sick leave may be used by an employee only for personal illness or disabling injuries.

5-10. Light duty assignment. RESERVED

~~The Borough, at its discretion, may require an employee who has been injured on duty, to be examined at the expense of the Borough by a physician designated by the Borough. The physician shall prepare a written statement establishing whether the employee is capable of returning to work on light duty, and if so, what the physical limits of the light duty assignment shall be. The employee shall be notified of the assignment by telephone at least forty eight (48) hours before the beginning of the light duty assignment and said notice shall be promptly confirmed in writing. Light duty assignments shall not exceed six (6) months, unless approved by the Borough Administrator.~~

5-12. Personal leave with pay.

An employee may be granted four (4) personal leave days each calendar year, ~~but not in conjunction with vacations or holidays. The employee requesting such leave shall do so by providing his/her department head with notification at least one (1) week in advance except in the case of an emergency.~~ Newly hired employees during the remainder of their first calendar year of service shall be granted one (1) day of personal leave or absence with pay for each three (3) months of service, to the limit of four (4) days. The said four (4) days may be used for emergencies, personal business or other personal affairs. Employees hired

after June 30th shall not be entitled to more than two (2) days of personal leave or absence with pay during their first year of employment.

BE IT FURTHER RESOLVED that a copy of this resolution, containing the changes, will be distributed by the Borough Clerk to all employees.

CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on March 6, 2023.

Margaret Riggio
Borough Clerk

Resolution 2023-63

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

RESOLUTION MAKING AND CONFIRMING APPOINTMENT FOR THE ENVIRONMENTAL COMMISSION

BE IT RESOLVED that the following appointments are hereby made and confirmed by the Mayor and Council of the Borough of Hightstown:

Environmental Commission

Michael Bollentin

Ux. 3 yrs.

December 31, 2025

CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on March 6, 2023.

Margaret Riggio
Borough Clerk

Resolution 2023-64

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

**AUTHORIZING PAYMENT NO. 2– 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. 2 in the amount of \$233,828.00, for partial payment through February 9, 2023; and

WHEREAS, the Borough Engineer has recommended approval of Payment Request No. 2 to the contractor in the amount of \$233,828.00.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown Payment Request No. 2 to Advanced Control Systems, of Manalapan, New Jersey for \$233,828.00 is hereby approved as detailed herein, and the Deputy CFO is authorized to issue same.

CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on March 6, 2023.

Margaret Riggio
Borough Clerk



Roberts
ENGINEERING GROUP LLC
Women Business Enterprise Certified

1670 Whitehorse-Hamilton Square Rd.
Hamilton, New Jersey 08690
609-586-1141 Fax 609-586-1143
www.RobertsEngineeringGroup.com

MEMORANDUM

TO: Mayor and Council
Borough of Hightstown

FROM: Carmela Roberts, P.E., C.M.E. *CR*
Borough Engineer

DATE: February 28, 2023

RE: Water Treatment Plant
Emergency Generator and Flood Gates
Payment No. 2
Our File No.: H1680

Attached please find the following in reference to Payment No. 2 which is a partial payment through February 9, 2023 for flood gates, electrical and gas connections, site improvements, and installation of the emergency generator, foundation, and platform:

1. Payment No. 2
2. Invoice No. 2
3. Certified Payrolls
4. Monthly Project Workforce Reports

Please note that the invoice includes payment for Pay Item #13 for Site Improvements. However, the site improvements included in the bid documents have not been started. Therefore, payment will not be made.

The Contractor has completed the other items included in the invoice including substantial completion of the generator platform, installation of the generator, installation of flood gates, and electrical/gas connections.

I recommend payment be made to Advanced Control Systems in the amount of \$233,828.00.

Should you have any questions, please do not hesitate to call.

cc: Dimitri Musing, Borough Administrator
Peggy Riggio, RMC, CMR, Borough Clerk
Mairead Thompson, Borough of Hightstown
George Lang, Borough CFO
Cameron Corini, PE, CME, Roberts Engineering Group, LLC
Kelly Pham, EIT, Roberts Engineering Group, LLC



PAYMENT No. 2
Water Treatment Plant Emergency Generator and Flood Gates
Borough of Hightstown, Mercer County, New Jersey
 February 28, 2023
 File No.: H1680

Item No.	Description	Contract		Total As-Built		As-Built This	Unit Price	Total Cost
		Quantity	Units	Quantity	Quantity	Period		
1	Mobilization	1.00	LS	1.00		0.00	\$10,000.00	\$10,000.00
2	Site Clearing	1.00	LS	1.00		0.00	\$5,000.00	\$5,000.00
3	Project Video	1.00	LS	1.00		0.00	\$100.00	\$100.00
4	Soil Erosion and Sediment Control	1.00	LS	1.00		0.00	\$1,000.00	\$1,000.00
5	Test Holes, If & Where Directed	10.00	CY	0.00		0.00	\$250.00	\$0.00
6	Generator Foundation and Platform	1.00	LS	0.90		0.40	\$258,000.00	\$232,200.00
7	250 KW Emergency Natural Gas Generator, Complete	1.00	LS	0.90		0.90	\$110,000.00	\$99,000.00
8	Standard Flood Gate - 42"	8.00	UNIT	6.40		6.40	\$2,000.00	\$12,800.00
9	Plank Flood Gate - 7'	1.00	UNIT	0.80		0.80	\$5,000.00	\$4,000.00
10	Plank Flood Gate - 9'	2.00	UNIT	1.60		1.60	\$6,000.00	\$9,600.00
11	Electrical and Gas Connections, Complete	1.00	LS	0.80		0.40	\$25,000.00	\$20,000.00
12	Steel Door and Frame	2.00	UNIT	1.80		0.00	\$1,000.00	\$1,800.00
13	Site Improvements	1.00	LS	0.00		0.00	\$1,000.00	\$0.00
14	Cleaning and Restoration	1.00	LS	0.00		0.00	\$1,000.00	\$0.00
TOTAL WORK COMPLETED								\$395,500.00
LESS: RETAINAGE		2%						\$7,910.00
SUBTOTAL								\$387,590.00
LESS: PREVIOUS PAYMENTS								\$153,762.00
TOTAL AMOUNT DUE								\$233,828.00
AMOUNT OF ORIGINAL CONTRACT								\$448,600.00

Resolution 2023-65

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

RESOLUTION AUTHORIZING THE PURCHASE OF REPLACEMENT WATER METERS FOR THE HIGHTSTOWN BOROUGH WATER PLANT FROM CORE & MAIN

WHEREAS, the Borough of Hightstown as a contracting unit, may without advertising for bids, purchase any materials, supplies or equipment entered into on behalf ESCNJ, 1660 Stelton Road, Piscataway, NJ 08854, pursuant to the provision of P.L.2011, c.139 which permits contracting units to use contracts awarded by national or regional cooperative or other states that were competitively bid. The law supplements existing law on the use of such contracts and is intended to provide additional flexibility to local government in the area of procurement; and

WHEREAS, Core & Main, 61 Gross Avenue, Edison, NJ 08837, has been awarded the contract for the replacement meters under ESCNJ Category: Water Meter Management Service ESCNJ Contract #19/20-27 (expiration 11/14/2023); and

WHEREAS, the Purchasing Agent and Senior Water Plant Operator recommend the utilization of this contract; and

WHEREAS, under ESCNJ Contract #19/20-27, Core & Main can provide the replacement water meters as per their quote #2633684 dated February 8, 2023, in the amount of \$69,750.00 to the Hightstown Borough; and

WHEREAS, the CFO has certified funds are available for said expenditure.

THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Hightstown that Core & Main, 61 Gross Avenue, Edison, NJ 08837, ESCNJ Contract #19/20-27 be utilized to provide replacement water meters at the cost of \$69,750.00.

CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on March 6, 2023.

Margaret Riggio
Borough Clerk



The Borough of Hightstown

Clerk's Office

156 Bank Street, Hightstown, New Jersey 08520

Phone – (609) 490-5100, ext. 628

Fax – (609) 371-0267

priggio@hightstownborough.com

TO: Mayor and Council
FROM: Peggy Riggio, Borough Clerk/Purchasing Agent
DATE: March 2, 2023
RE: Purchase of Replacement Water Meters

N.J.S.A 52:34-6.2 authorizes contracting units to purchase goods, or to contract for services through the use of a nationally or regionally recognized and accepted cooperative purchasing agreement that has been developed utilizing a competitive bidding process by another contracting unit within the State of New Jersey, or within any other state, when available.

Hightstown Borough is currently a member of ESCNJ, a Regional Cooperative Pricing System.

It has been determined that by utilizing the ESCNJ Cooperative Pricing System, Replacement Water Meters from Core & Main, 61 Gross Avenue, Edison, New 08837, shall result in an overall costs saving to the Borough of approximately \$19,000.00.

I recommend that the purchase of the new Replacement Water Meters, for the Water Plant by the use of the ESCNJ Cooperative Pricing System.

Funds are available in the following Capital accounts:

C-08-55-970-001-541 amount; \$69,750.00

Resolution 2023-66

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

DESIGNATING SATURDAY, APRIL 22, 2023, AS ARBOR DAY IN THE BOROUGH OF HIGHTSTOWN

WHEREAS, it is widely reported as historical fact that, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, Arbor Day is now observed throughout the nation and the world; and

WHEREAS, the Borough is a designated Tree City USA by the Arbor Foundation; and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires, raw material for sculpture and painting and limitless works of art, and source materials for countless other wood products; and

WHEREAS, trees in our Borough increase property values, enhance the economic vitality of business areas, and beautify our community and spiritual renewal; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown hereby does proclaim and designate Saturday, April 22, 2023, as **ARBOR DAY** in the Borough of Hightstown and to observe this occasion a tree planting ceremony will take place on this day.

BE IT FURTHER RESOLVED, by the Mayor and Council of the Borough of Hightstown, that all residents and members of our community are urged and encouraged to support efforts to protect our trees, walkways, riparian banks and woodlands throughout our Borough and our surrounding environment;

BE IT FURTHER RESOLVED that all residents and members of our community are

urged and encouraged to plant trees where appropriate, to gladden hearts and promote the well-being of present and future generations.

CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on March 6, 2023.

Margaret Riggio
Borough Clerk

Resolution 2023-67

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

**AUTHORIZING PAYMENT NO. 3 (FINAL) EARLE ASPHALT
COMPANY (IMPROVEMENTS TO STOCKTON STREET AND
JOSEPH STREET – C.R. 571)**

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

WHEREAS, the contractor has submitted a request payment in the amount of \$27,703.83 for Final Payment; and

WHEREAS, the Project Engineer has reviewed the request recommends the contract be accepted, closed out and final payment be made to Earle Asphalt Company in the amount of \$27,703.83.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown a payment in the amount of \$27,703.83 to Earle Asphalt Company of Wall, New Jersey is hereby approved as detailed herein.

CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on March 6, 2023.

Margaret Riggio
Borough Clerk



February 28, 2023

Dimitri Musing
Business Administrator
Hightstown Borough
156 Bank Street
Hightstown, NJ 08520
609-490-5100 x620
Fax: 609-371-0267

**Re: Improvements to Stockton St (CR 571) and Joseph St Curb and Sidewalks
Borough of Hightstown, Mercer County, NJ – Payment Application No. 3 (Final)**

Mr. Musing,

Omsum Engineering has reviewed the attached **Payment Application No. 3 (Final)** in the amount of **\$27,703.83** and is in agreement with the quantities submitted by the Contractor. We recommend the Borough to approve and process this estimate.

Should you have any questions, please do not hesitate to contact me.

Sincerely Yours,

A handwritten signature in blue ink, appearing to read 'Viral M. Patel'.

Viral M. Patel, M.S., P.E.
Vice President & Construction Engineer
Omsum Engineering, LLC

Pay Estimate Summary Report

Earle Asphalt Company
Invoice # 3
Invoice Date: 03/15/2023
Dates Submitted: 07/02/2021 - 09/30/2021
Contract # 210428A
Highstown Boro - Stockton & Joseph
Job: 210428A

Contractor
Earle Asphalt Company
P. O. Drawer 559
Farmingsdale, NJ 07727
USA

Item Number	Item Name	As Built Construction Quantity	Original Contract Total	Original Contract Part QTY	Original Contract Non-Part QTY	Difference	Non Participating quantity to date	Participating quantity to date	Unit Price	Non Part- Amount to Date	Part- Amount to Date	Change Order Part 1- Non-Part	Change Order Part 1- Non-Part Difference	Previously Paid Quantity - Est 1 & 2	Previously Paid Amount - Est 1 & 2	Pay Ql. This Estimate # 3 (Final)	Pay Amount This Estimate # 3 (Final)
1	Mobilization	1	1.00	0.00	0.00	0	0	1	\$ 8,089.18	\$ -	\$ 8,089.18	0.00	0.00	0	\$ 8,089.18	0.00	\$ 8,089.18
2	Inlet Filter	3	3.00	0.00	0.00	0	0	3	\$ 0.01	\$ -	\$ 0.03	0.00	0.00	0	\$ 0.03	0.00	\$ 0.03
3	Concrete Washout System	1	1.00	0.00	0.00	0	0	1	\$ 0.01	\$ -	\$ 0.01	0.00	0.00	0	\$ 0.01	0.00	\$ 0.01
4	OH-Water Separator	1	1.00	0.00	0.00	0	0	1	\$ 0.01	\$ -	\$ 0.01	0.00	0.00	0	\$ 0.01	0.00	\$ 0.01
5	Oil Only Emergency Spill Kit	1	1.00	0.00	0.00	0	0	1	\$ 0.01	\$ -	\$ 0.01	0.00	0.00	0	\$ 0.01	0.00	\$ 0.01
6	Breakaway Barricade	6	25.00	0.00	0.00	-19	0	6	\$ 10.00	\$ -	\$ 60.00	-19.00	-19.00	-19	\$ 60.00	0.00	\$ 60.00
7	Div. Cur.	0	70.00	0.00	0.00	-70	0	0	\$ 0.01	\$ -	\$ -	-70.00	-70.00	-70	\$ 0.00	0.00	\$ 0.00
8	Traffic Cone	50	50.00	0.00	0.00	-50	0	50	\$ 5.00	\$ -	\$ 250.00	0.00	0.00	0	\$ 250.00	0.00	\$ 250.00
9	Construction Signs	52	494.00	0.00	0.00	-492	0	52	\$ 1.00	\$ -	\$ 52.00	-492.00	-492.00	0	\$ 52.00	0.00	\$ 52.00
10	Flashing Arrow Board	2	2.00	0.00	0.00	-2	0	2	\$ 2,500.00	\$ -	\$ 5,000.00	0.00	0.00	0	\$ 5,000.00	0.00	\$ 5,000.00
11	Traffic Control Truck	1	1.00	0.00	0.00	-1	0	1	\$ 4,000.00	\$ -	\$ 4,000.00	0.00	0.00	0	\$ 4,000.00	0.00	\$ 4,000.00
12	Traffic Director Flagger	0	240.00	0.00	0.00	-240	0	0	\$ 0.01	\$ -	\$ -	-240.00	-240.00	0	\$ 0.00	0.00	\$ 0.00
13	Final Cleanup	1	1.00	0.00	0.00	0	0	1	\$ 7,910.00	\$ -	\$ 7,910.00	0.00	0.00	0	\$ 7,910.00	0.00	\$ 7,910.00
14	Clearing Site	1	1.00	0.00	0.00	0	0	1	\$ 18,800.00	\$ -	\$ 18,800.00	0.00	0.00	0	\$ 18,800.00	0.00	\$ 18,800.00
15	Excavate Test Pit	0	20.00	0.00	0.00	-20	0	0	\$ 25.00	\$ -	\$ -	-20.00	-20.00	0	\$ 0.00	0.00	\$ 0.00
16	Removal of Pavement	17	1433.00	0.00	0.00	-1433	0	17	\$ 83.49	\$ -	\$ 1,419.33	-1433.00	-1433.00	0	\$ 1,419.33	0.00	\$ 1,419.33
17	DGA Base Course 6" Thick	1143	0.00	0.00	0.00	-1143	0	1143	\$ 6.00	\$ 1,524.00	\$ -	-889.00	-889.00	0	\$ 1,524.00	0.00	\$ 1,524.00
18	DGA Base Course 8" Thick	106	453.00	0.00	0.00	-347	0	106	\$ 15.30	\$ 1,621.80	\$ -	-347.00	-347.00	0	\$ 1,621.80	0.00	\$ 1,621.80
19	Track Coat	0	300.00	0.00	0.00	-300	0	0	\$ 0.01	\$ -	\$ -	-300.00	-300.00	0	\$ 0.00	0.00	\$ 0.00
20	Prime Coat	0	800.00	0.00	0.00	-800	0	0	\$ 0.01	\$ -	\$ -	-800.00	-800.00	0	\$ 0.00	0.00	\$ 0.00
21	HMA 5.5MGA Surface Course	202	210.00	0.00	0.00	-210	0	202	\$ 109.50	\$ 18,009.00	\$ -	-210.00	-210.00	0	\$ 18,009.00	0.00	\$ 18,009.00
22	HMA 19MGA Base Course	385	530.00	0.00	0.00	-145	0	385	\$ 101.25	\$ 35,437.50	\$ -	-145.00	-145.00	0	\$ 35,437.50	0.00	\$ 35,437.50
23	Reset Existing Casting	0	3.00	0.00	0.00	-3	0	0	\$ 360.00	\$ -	\$ -	-3.00	-3.00	0	\$ 0.00	0.00	\$ 0.00
24	HMA Driveway 4" Thick	44	44.00	0.00	0.00	-44	0	44	\$ 83.50	\$ -	\$ 3,676.00	0.00	0.00	0	\$ 3,676.00	0.00	\$ 3,676.00
25	Concrete Sidewalk 4" Thick	1126	1126.00	0.00	0.00	-1126	0	1126	\$ 73.25	\$ -	\$ 82,479.50	0.00	0.00	0	\$ 82,479.50	0.00	\$ 82,479.50
26	Concrete Driveway Reinforced 6" Thick	150	15.00	0.00	0.00	-135	0	150	\$ 38.60	\$ -	\$ 5,790.00	0.00	0.00	0	\$ 5,790.00	0.00	\$ 5,790.00
27	Stone/Gravel Driveway 4" Thick	29	29.00	0.00	0.00	-29	0	29	\$ 62.50	\$ -	\$ 1,812.50	0.00	0.00	0	\$ 1,812.50	0.00	\$ 1,812.50
28	Concrete Driveway Reinforced 6" Thick	189	77.00	0.00	0.00	-68	0	189	\$ 39.00	\$ -	\$ 7,383.00	0.00	0.00	0	\$ 7,383.00	0.00	\$ 7,383.00
29	9" x 15" Concrete Vertical Curb	2381	2252.00	0.00	0.00	-129	0	2381	\$ 38.00	\$ -	\$ 90,638.00	0.00	0.00	0	\$ 90,638.00	0.00	\$ 90,638.00
30	9" x 18" Concrete Vertical Curb	296	200.00	0.00	0.00	-104	0	296	\$ 67.00	\$ -	\$ 19,892.00	0.00	0.00	0	\$ 19,892.00	0.00	\$ 19,892.00
31	9" x 20" Concrete Vertical Curb	38	38.00	0.00	0.00	-38	0	38	\$ 1.00	\$ -	\$ 38.00	0.00	0.00	0	\$ 38.00	0.00	\$ 38.00
32	Traffic Markings Symbols	379	379.00	0.00	0.00	-379	0	379	\$ 1.75	\$ -	\$ 663.25	0.00	0.00	0	\$ 663.25	0.00	\$ 663.25
33	Traffic Markings Lines 2"	242	260.00	0.00	0.00	-118	0	242	\$ 4.60	\$ -	\$ 1,113.20	0.00	0.00	0	\$ 1,113.20	0.00	\$ 1,113.20
34	Removal of Traffic Markings	168	412.00	0.00	0.00	-244	0	168	\$ 3.00	\$ -	\$ 504.00	-244.00	-244.00	0	\$ 504.00	0.00	\$ 504.00
35	Reset Water Valve Boxes	112	113.00	0.00	0.00	-1	0	112	\$ 90.00	\$ -	\$ 10,080.00	-1.00	-1.00	0	\$ 10,080.00	0.00	\$ 10,080.00
36	Reset Gas Valve Boxes	0	4.00	0.00	0.00	-4	0	0	\$ 0.01	\$ -	\$ -	-4.00	-4.00	0	\$ 0.00	0.00	\$ 0.00
37	Topsoil 5" Thick	837	837.00	0.00	0.00	-837	0	837	\$ 1.00	\$ -	\$ 837.00	0.00	0.00	0	\$ 837.00	0.00	\$ 837.00
38	Topsoil 10" Thick	120	120.00	0.00	0.00	-120	0	120	\$ 2.50	\$ -	\$ 300.00	0.00	0.00	0	\$ 300.00	0.00	\$ 300.00
39	Ferrogasol Type A-4	837	837.00	0.00	0.00	-837	0	837	\$ 0.60	\$ -	\$ 502.20	0.00	0.00	0	\$ 502.20	0.00	\$ 502.20
40	Straw Mulching	837	837.00	0.00	0.00	-837	0	837	\$ 0.01	\$ -	\$ 8.37	0.00	0.00	0	\$ 8.37	0.00	\$ 8.37
41	Concrete Base Course 8" Thick (Part)	149	0.00	0.00	0.00	149	0	149	\$ 210.00	\$ -	\$ 31,290.00	149.00	149.00	0	\$ 31,290.00	0.00	\$ 31,290.00
9021	Joseph St - Pavement Reconstruction (Non-Part)	1	0.00	0.00	0.00	1.00	0	0	\$ 18,015.98	\$ -	\$ -	0.00	0.00	0	\$ -	0.00	\$ -
										\$ 79,935.64	\$ 320,899.12				\$ 380,135.61		\$ 220,101.15

Final (Total)	\$ 400,234.76
DOT Part	\$ 320,899.12
DOT Non-Part	\$ 79,335.64
TOTAL	\$ 400,234.76

Total Original Contract	\$370,013.13
DOT Participating (Original)	\$314,839.33
DOT Non-Participating (Original)	\$55,173.80
Estimate 1	\$353,189.71
Estimate 2	\$19,341.22
Estimate 3 (Final)	\$27,709.83
TOTAL	\$400,234.76

Change Order Part 1- Non-Part	\$ 76,111.73
Change Order Part 1- Non-Part Difference	\$ 320,899.12
Change Order Part 1- Non-Part	\$ 227,025.04
Change Order Part 1- Non-Part Difference	\$ 17,762.35
TOTAL	\$ 400,234.76

Approved By: _____ (Owner)
Approved By: _____ (Contractor)
Approved By: _____ (Other)

Contractor: Earle Asphalt Company
P. O. Drawer 559
Farmingsdale, NJ 07727
USA

Resolution 2023-68

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

**AUTHORIZING FINAL PAYMENT - OMSUM ENGINEERING
(INSPECTION AND ADMINISTRATION SERVICES ASSOCIATED
WITH IMPROVEMENTS TO STOCKTON STREET & JOSEPH
STREET)**

WHEREAS, on January 21, 2020, Borough Council awarded a contract for inspections and administration services associated with Improvements to Stockton Street and Joseph Street to Omsum Engineering of Piscataway, New Jersey in an amount not to exceed \$72,692.24; and

WHEREAS, the engineer has submitted a final request payment in the amount of \$2,868.76;

WHEREAS, the Borough Administrator recommends that the contract be accepted, closed out and final payment be made to Omsum Engineering in the amount of \$2,868.76.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown a payment in the amount of \$2,868.76 to Omsum Engineering of Piscataway, New Jersey is hereby approved as detailed herein.

CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on March 6, 2023.

Margaret Riggio
Borough Clerk



January 14th, 2022

Dimitri Musing
Hightstown Borough
156 Bank Street
Hightstown, NJ 08520
609-490-5100
Fax: 609-371-0267

Re: Invoice #3116-2
Period Covered: July 1, 2021 to August 31, 2021
Project: Improvements to Stockton Street and Joseph Street
Agreement Date: November 30, 2020
NJDOT Job Code #6504307
Federal Project # TAP-0571(300)

Mr. Musing,

Enclosed is our Final invoice for the subject project in the amount of \$ 2,868.76 to be paid by the Borough. Should you have any questions or need any further information, please do not hesitate to contact me or Viral Patel.

Sincerely Yours,

Chintan D. Sheth, P.E.
Principal
Omsum Engineering, LLC



OMSUM ENGINEERING LLC

Re: Invoice #3116-2
 Project: Improvements To Stockton Street and Joseph Street
 Agreement Date: November 30, 2020

Period Covered: July 1, 2021 to August 31, 2021

Omsum Engineering Project No: 3116 Improvements To Stockton Street and Joseph Street
 Omsum Engineering Invoice No: 3116-2

Project: Improvements To Stockton Street and Joseph Street

Omsum Engineering	Original Ceilings	Current Ceilings	Total Amount Billed to Date 08/31/2021	Previously Billed Amount	Amount Billed This Period No. 2
Direct Labor	\$26,640.00	\$26,640.00	\$21,818.32	\$18,683.32	\$3,135.00
Overhead @ 131%	\$34,898.40	\$34,898.40	\$28,582.00	\$24,475.15	\$4,106.85
Premium Salary	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Fixed Fee @ 10%	\$6,153.84	\$6,153.84	\$5,040.04	\$4,315.85	\$724.19
Subconsultant - KeyTech	\$5,000.00	\$11,322.00	\$11,322.00	\$10,061.00	\$1,261.00
TOTALS	\$72,692.24	\$79,014.24	\$66,762.36	\$57,535.32	\$9,227.04*

*Total Final Omsum Engineering LLC Cost:\$66,762.36
 Previously Paid to Date by Borough:\$63,893.60

Cumulative Summary

Payment Being Requested from Borough: \$2,868.76*

Chintan D. Sheth, P.E.

Principal

Omsum Engineering, LLC

*Total Final Omsum Engineering LLC Cost:\$66,762.36
 Previously Paid By NJDOT:\$52,474.32

Payment Being Requested from NJDOT: \$14,288.04*

Resolution 2023-69

*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 March 6, 2023, 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:

Contract Negotiations – Housing Authority Cooperation Agreement

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 June 6, 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.

CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on March 6, 2023.

Margaret Riggio
Borough Clerk