

AGENDA
Hightstown Borough Council
August 21, 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

May 1, 2023 – Public Session
May 1, 2023 – Executive Session
May 3, 2023 – Budget Workshop
May 10, 2023 – Budget Workshop
May 15, 2023 – Public Session
May 15, 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

Ordinance 2023-14 First Reading and Introduction An Ordinance Establishing Certain Regulations and Amending and Supplementing “The Revised General Ordinances of the Borough of Hightstown,” In order to Establish a New Chapter 22 Thereof to be Known “Privately-Owned Salt Storage”

Ordinance 2023-15 First Reading and Introduction An Ordinance Amending and Supplementing Section 19-2-8, Entitled “Billing,” of Article 19-2, “Charges and Rents,” of Chapter 19, “Water and Sewer,” of “The Revised General Ordinances of the Borough of Hightstown,” in Certain Limited Respects

Ordinance 2023-16 First Reading and Introduction An Ordinance Amending and Supplementing Chapter 25, Entitled “Stormwater Control,” of “The Revised General Ordinances of the Borough of Hightstown”

Budget 2023

Public Hearing for the 2023 Budget

Resolutions

2023-160 Authorizing Payment of Bills

Consent Agenda

2023-161 Authorizing the Refund of an Overpayment for a Taxi Registration

2023-162 Authorizing Payment No. 8 Final and Change Order No. 3 Final – Allied Painting, Inc. (Water Tank Painting and Repair at First Avenue, Leshin Lane and Cranbury Station Road)

2023-163 Authorizing Payment on Behalf of Participants in the Borough of Hightstown Length of Service Award Program (LOSAP)

2023-164 Resolution Authorizing the Borough to Accept Title to an Ambulance to be Utilized by the Hightstown First Aid Squad, Inc.

2023-165 Waiving the Park Use Permit Application Fee for BeTheLi9ht Foundation

2023-166 Resolution Providing for the Combination of Certain Issues of Bond of the Borough of Hightstown, in the County of Mercer, New Jersey into a Single issue of Bonds Aggregating Not to Exceed \$1,208,000 in Principal Amount for Sale to the New Jersey Infrastructure Bank

2023-167 Resolution Determining the Form and Other Details of Not Exceeding \$1,208,000 Bonds of the Borough of Hightstown, in the County of Mercer, New Jersey, and Providing for their Sale to the New Jersey Infrastructure Bank and the State of New Jersey and Further Authorizing the Execution of Various Agreements, All Pursuant to and as Required by the New Jersey Water Bank

Subcommittee Reports

Mayor/Council/Administrative Updates

Executive Session **Resolution 2023-168** Authorizing a Meeting that Excludes the Public

Contract Negotiations – Safe Routes to Schools Grant Agreements

Contract Negotiations – Americana Property Lease

Adjournment

**Meeting Minutes
Hightstown Borough Council
May 1, 2023
6:30 p.m.**

The meeting was called to order by Mayor Bluth at 6:31 p.m. and she 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 Carmela Roberts, Borough Engineer;

The Flag Salute followed roll call.

APPROVAL OF AGENDA

Mayor Bluth stated that that the agenda needs to be amended to add The Peddie Lake Dam Flood Gate to Engineering Items.

Moved by Councilmember Montferrat; Seconded by Councilmember Jackson.

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

Agenda approved as amended 5-0.

APPROVAL OF MINUTES

March 20, 2023 – Public Session

March 20, 2023 – Executive Session

Moved by Councilmember Jackson; Seconded by Councilmember Fowler.

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

Minutes approved 4-0 with 1 abstention.

ENGINEERING ITEMS

Improvements to Orchard Avenue, Meadow Drive, Clover Lane, and South Main Street – Planning Board Comments

Ms. Roberts reviewed her letter to Council dated April 4, 2023. This letter included comments submitted by the Complete Streets Committee and the Planning Board. The recommendations included adding a crosswalk and installation of RRFBs on South Main Street. Discussion ensued. Council commented that this is a high traffic route to the high school and an important intersection to have a crosswalk. Mayor Bluth took a straw vote to add a crosswalk and RRFBs at South Main Street and Leshin Lane. Councilmembers Cicalese, Fowler, Jackson and Montferrat voted yes. Councilmember Gulati voted no. Council instructed Ms. Roberts to move forward with adding a crosswalk and RRFBs to Stockton Street and Leshin lane by a vote of 4 – 1.

Anaerobic Digester Inspection – AWWTP

Ms. Roberts reviewed her letter to Council dated May 1, 2023. She explained that based on comments from the Superintendent, she recommends removing the digester cover for cleaning, painting and inspection; Clean the digester and inspect for potential repairs and replace the Perth mixing system with a new jet mixing system. Mr. Musing stated that this should be bonded for now so work can be done in early 2024. Discussion ensued. Council agreed to move forward with the repairs. A bond ordinance will be introduced at the next meeting.

Tier A NJPDES Stormwater Permit Infrastructure Mapping

Ms. Roberts reviewed her letter of April 16, 2023. The Borough's Tier A NJPDES Stormwater Permit requires the Borough provide mapping of the entirety of the stormwater system within 3 years of the new permit. The system map is due January 1, 2026. The engineering fee will not exceed \$25,000. Discussion ensued. Mayor Bluth announced that we have received a \$15,000 grant for this project. Mr. Musing added that once the plan is completed and submitted we will received an additional \$10,000. Council unanimously approved Roberts Engineering moving forward to begin work on the mapping.

NJDOT Grant Application for Municipal Aid Grant – Summit Street

Mr. Roberts informed Council of the Municipal Aid Grant FY2024. She recommended an application for Improvements to Summit Street between Mercer Street and Stockton Street. Improvements will include curb, sidewalk and curb ramp replacement as necessary, milling and overlay, base repairs as necessary and new sidewalk where none currently exist if feasible. If a grant is received, this road will also require replacement of lead service lines and a water main upgrade. Discussion ensued. Council unanimously directed Ms. Roberts to move forward with the application.

NJDOT Grant Opportunity – Dutch Neck Road

Ms. Roberts informed Council that there is a grant opportunity under the Local Transportation Project Fund. She is recommending a grant application be submitted for Dutch Neck Road. Improvements would include pavement repairs, milling and paving, curb replacement and installation where not existing and new sidewalk on one side of the roadway. Discussion ensued. Council unanimously directed Ms. Roberts to move forward with the application.

Peddie Lake Dam Flood Gate

Mr. Musing explained that the flood gate at the Peddie Lake Dam is inoperable. The Borough Engineer had declared this an emergency. This enables the Borough to enter into a contract for repairs without having to bid the project. We have already been in contact with a dive company that specializes in this type of repair.

PUBLIC COMMENT

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

Matt Morgan 123 Orchard Ave – Thanked Council for approving the crosswalk at Leshin lane. He knows this was a tough decision. Student safety is important and Hightstown is a walking town.

Steve Misiura, 352 South Main Street – Chair Complete Streets – Thank you for your discussion about the crosswalk and rapid blinking lights. It was the right decision. Spoke about the Vision Zero Program and how many towns have adopted this. The goal is for 0 pedestrian accidents. He believes that we need to adopt this policy. Complete Streets is happy to present this to Council. He stated that there was discussion about Allentown having mandatory court appearances for traffic tickets. Can Council revisit this?

Mary Kyle, 503 North Main Street – Thanked Council for all they do. Spoke about traffic in town. How do we have trucks use the 133 bypass? Asked if there is anything residents can do to assist.

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

RESOLUTIONS

Resolution 2023-92 Authorizing Payment of Bills

Moved by Councilmember Montferrat; Seconded by Councilmember Jackson.

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

Resolution adopted 5-0.

Resolution 2023-92

*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 \$1,178,416.48 from the following accounts:

Current		\$1,062,350.91
W/S Operating		85,327.58
General Capital		14,563.28
Water/Sewer Capital		9,062.75
Grant		0.00
Trust		800.00
Unemployment Trust		117.96
Animal Control		0.00
Law Enforcement Trust		0.00
Tax Lien Trust		0.00
Public Defender Trust		158.50
Escrow		<u>6,035.50</u>
Total		<u>\$1,178,416.48</u>

Resolution 2023-93 Authorizing the Borough of Hightstown to Hire One New Full-Time Regular Police Officer

Moved by Councilmember Fowler; Seconded by Councilmember Jackson.

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

Resolution adopted 5-0.

Resolution 2023-93

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

**AUTHORIZING THE BOROUGH OF HIGHTSTOWN TO HIRE ONE NEW
FULL-TIME REGULAR POLICE OFFICER**

WHEREAS, in order to maintain the health, safety and welfare of the public at large, the Hightstown Borough Council has determined that it is necessary to hire a rank and file police officer for the Borough; and

WHEREAS, Section 2-19.8 of the “Revised General Ordinances of the Borough of Hightstown, New Jersey,” governs the procedure relating to application for, and appointment to, the position of police officer of any rank within the Borough; and

WHEREAS, pursuant to Subsection 2-19.8(b), the Chief has recommended that the Borough Council appoint Paul M. Mourad as a Hightstown Borough Police Officer; and

WHEREAS, the employment of appointee Paul Mourad shall be conditioned upon his passing all applicable Borough requirements; and

WHEREAS, the Hightstown Borough Council believes that the hiring of the new police officer as referenced above is in the best interests of the health, safety and welfare of the Borough’s residents.

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

1. That the individual referenced above is hereby appointed to serve as full-time regular police officer for the Borough of Hightstown, contingent upon the conditions set forth in this Resolution.
2. That the employment of the new officer shall be conditioned upon passing all applicable Borough requirements.

3. That all other terms and conditions of employment relating to the new hire shall be as set forth in the existing FOP Agreement and/or Borough Personnel Policy.
4. That all appropriate Borough officials are hereby authorized and directed to take all appropriate actions in furtherance of the intentions set forth in this Resolution.
5. That a certified copy of this Resolution shall be provided to each of the following:
 - a. Appointee Paul M. Mourad;
 - b. Police Chief Frank Gendron;
 - c. Police Commissioner Cristina Fowler;
 - d. Robert Merryman, Borough Labor Counsel; and
 - e. Frederick C. Raffetto, Esq., Borough Attorney

CONSENT AGENDA

Councilmember Jackson moved Resolutions 2023-94 and 2023-95 as a Consent Agenda; Councilmember Cicalese seconded.

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

Resolution adopted 5-0.

Resolution 2023-94

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

A RESOLUTION EXPRESSING THANKS AND APPRECIATION FOR ARBOR DAY TREE DONATION

WHEREAS, Borough Council previously designated April 22, 2023, Arbor Day; and

WHEREAS, in Hightstown Borough, Arbor day is always observed by the planting of a new tree by our Environmental Commission; and

WHEREAS, this year, the tree that was planted in Dawes Park by donated by Yan Troizier, Grown Concern, Inc.; and

WHEREAS, Borough Council wishes to acknowledge the donation made by Mr. Troizier and to express its appreciation.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the contribution by Mr. Troizier be recognized and that Mr. Troizier's continued commitment to Hightstown Borough and its residents is greatly appreciated.

Resolution 2023-95

*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	93,500.00	1,448,378.00	1,541,878.00
Capital Outlay – Current	0.00	0.00	0.00
Debt Service - Current	0.00	0.00	0.00
Water/Sewer	125,000.00	404,500.00	529,500.00
Capital Outlay – W/S	0.00	0.00	0.00
Debt Service - W/S	0.00	0.00	0.00
TOTAL	218,500.00	1,852,878.00	2,071,378.00

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.4
5/1/2023

Current Fund

Municipal Court	Salaries and Wages	10,000.00
Planning Board	Other Expenses	3,000.00
Emergency Management	Salaries and Wages	500.00
Solid Waste	Salaries and Wages	20,000.00
Solid Waste	Other Expenses	10,000.00
Recycling	Other Expenses	30,000.00
Board of Health	Salaries and Wages	10,000.00
Parks and Recreation	Salaries and Wages	5,000.00
Housing	Salaries and Wages	<u>5,000.00</u>
Total Current Fund		<u>93,500.00</u>

Water-Sewer Operating Fund

Salaries and Wages	70,000.00
Other Expenses	50,000.00
Social Security	<u>5,000.00</u>
Total Water Sewer Operating	<u>125,000.00</u>
Total	<u><u>218,500.00</u></u>

MAYOR/COUNCIL/ADMINISTRATIVE REPORTS

Councilmember Cicalese

- Complete Streets
 - Had a presentation regarding Vision Zero and funding for municipalities. The Borough needs to investigate this sort of funding.

Councilmember Fowler

- Downtown Hightstown
 - Flowers will be delivered in the next 3 weeks. They will be hung in time for the Parade.
- Memorial Day Parade
 - We have double the amount of marchers from last year.
 - The parade will begin at 9:00 a.m. and follow the same route as in years past.
- Harvest Fair
 - Moving along and on schedule.
 - Many new vendors; live music and food trucks
 - Rain Location this year will be Grace Rogers School

Councilmember Montferrat

- Municipal Facilities
 - Bid package will be ready for May 21st.

Councilmember Gulati

- Housing Authority
 - Since the beginning of the year, they have turned over 4 units. People are moving out to purchase their first homes. This is what is should be happening.

Mayor Bluth

- Stockton Street Curbs and Sidewalks
 - Happy to see this project moving forward. Bid opening is May 18th. This project is expected to be complete by Labor Day.
- Stockton Street and Joseph Street
 - Our final reimbursement payment has been received. This project has been closed out.
- Police Department
 - The new officer will be sworn in tomorrow night.
 - We Looking to hire 1 more officer. We will then be fully staffed.

- Leshin Lane Water Tower
 - Board of Ed has approved the final rendering and colors. It will have the Rams logo and HIGHTSTOWN will be painted text to the logo.
- Cultural Arts Commission
 - The Sip and Paint took place at Tavern on the Lake. There were 45 attendees.

EXECUTIVE SESSION

Resolution 2023-96 Naming an Acting Deputy Clerk

Moved by Councilmember Jackson; Seconded by Councilmember Fowler.

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

Resolution adopted 5-0

Resolution 2023-96

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

NAMING AN ACTING DEPUTY CLERK

WHEREAS, The Borough Clerk is not available for the Executive Session portion of the Borough Council meeting on May 1, 2023; and

WHEREAS, it is the desire of Borough Council to deputize Borough Administrator, Dimitri Musing to perform the duties of the Borough Clerk for the executive portion of this meeting; and

WHEREAS, Dimitri Musing shall perform all the duties of the Borough Clerk for said meeting.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that Dimitri Musing is hereby named as Acting Deputy Clerk for the Executive Session portion of the Borough Council meeting on May 1, 2023, and shall perform the duties of the Borough Clerk for said portion of the meeting.

Resolution 2023-97 Authorizing a Meeting that Excludes the Public

Moved by Councilmember Cicalese; Seconded by Councilmember Jackson.

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

Resolution adopted 5-0

Resolution 2023-97

*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 May 1, 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

Contract Negotiations – Historical Society

Contract Negotiation – Easement 133 Monmouth Street

Contract Negotiations – Indemnification & Hold Harmless Agreement
(AWWTP Underground Storage Tank Removal)

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 August 1, 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.

Council adjourned to Executive Session at 7:32 p.m.

Council returned to Public Session at 8:37 p.m.

Resolution 2023-098 A Resolution Authorizing the Execution of an Indemnification and Hold Harmless Agreement with Dimitri Musing

Moved by Councilmember Jackson; Seconded by Councilmember Cicalese

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

Resolution adopted 5-0.

Resolution 2023-98

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

**A RESOLUTION AUTHORIZING THE EXECUTION OF AN INDEMNIFICATION
AND HOLD HARMLESS AGREEMENT WITH DIMITRI MUSING.**

WHEREAS, Dimitri Musing (“Musing”) is the Borough Administrator for the Borough of Hightstown (the “Borough”); and

WHEREAS, by way of a Resolution adopted by the Borough Council on March 21, 2022, the Borough awarded a contract to R.J. Walsh and Associates, Inc. (the “Contractor”), of Allentown, New Jersey, for the removal of an underground diesel fuel storage tank and the installation of an above ground diesel fuel storage tank (collectively, the “Project”) located at the Hightstown Borough Advanced Waste Water Treatment Plant (the “Property”); and

WHEREAS, the Contractor forwarded a letter to Musing, dated February 6, 2023, confirming completion of the Project and providing the Contractor’s Response Action Outcome with respect to the remediation of the Property; and

WHEREAS, in said Response Action Outcome, the Contractor erroneously named Musing as an individual liable for cleanup and removal costs and who will remain liable pursuant to the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11, *et. seq.*; and

WHEREAS, the Borough recognizes that Musing is not liable for the cleanup and removal costs associated with the Property and should not be, or remain, liable pursuant to the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11, *et. seq.*, nor should Musing have continuing notification requirements regarding name or address changes, since the Borough is the owner of the Property, the Borough hired and paid the Contractor to perform the Project, and the Borough is the party responsible for remediation of the Property, rather than Musing; and

WHEREAS, given the above circumstances, the Borough and Musing have negotiated the attached Indemnification and Hold Harmless Agreement (the “Agreement”).

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

1. That the Borough Council hereby approves the attached Agreement, in accordance with the provisions set forth above.
2. That the Mayor is authorized to execute, and the Borough Clerk to attest, the attached Agreement.

3. That a certified copy of this Resolution (along with the attached Agreement) shall be provided to each of the following:
 - a. Dimitri Musing, Borough Administrator;
 - b. Robert Merryman, Esq.; and
 - c. Frederick C. Raffetto, Borough Attorney.

ADJOURNMENT

8:40 p.m.

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

Respectfully Submitted,

Margaret Riggio, RMC
Borough Clerk

Approved by Hightstown Borough Council: _____

Meeting Minutes
Hightstown Borough Council
May 3, 2023
6:30 p.m.

The meeting was called to order by Mayor Bluth at 6:32 p.m. and she 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; George Lang, CFO; Police Chief Frank Gendron.

The Flag Salute followed roll call.

APPROVAL OF AGENDA

Moved by Councilmember Fowler; Seconded by Councilmember Cicalese.

Roll Call Vote: Councilmembers Cicalese, Fowler, Frantz and Montferrat voted yet.

Agenda approved 4-0.

PUBLIC COMMENT

Mayor Bluth opened the public comment period. There being no public comment, Mayor Bluth closed the public comment period.

DISCUSSION

2023 Budget

George Lang, CFO, presented the 2023 proposed budget.

Police Chief Gendron reviewed the Police Budget. The sizable increase shown is for accreditation for the departments operating procedures. Mr. Musing stated that he supports the accreditation of the Police Departments operating procedures. If litigation is ever brought forward, it is important that our procedures have been reviewed and accredited. This would be a one time increase.

Mr. Lang explained that we are at a .16 increase. To stay under the CAP, we need to reduce the increase to .12. He further explained that many of the increases in this year's budget are out of our control. Pension and State Healthcare Benefit rates have increased significantly. Debt service rates have increased substantially. Expenses are increasing and our rateables are down.

Discussion ensued. It was decided that the purchase of the police car will be moved to the Capital Budget, taking \$85,000 out of the Police Department's operating expenses. Adjustments need to be made to the Fire Department and Fire Aid budgets.

Mr. Lang will continue work on the budget to lower the increase.

ADJOURNMENT

7:39

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

Respectfully Submitted,

Margaret Riggio, RMC
Borough Clerk

Approved by Hightstown Borough Council: _____

**Meeting Minutes
Hightstown Borough Council
May 10, 2023
6:30 p.m.**

The meeting was called to order by Mayor Bluth at 6:31 p.m. and she 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; George Lang, CFO.

The Flag Salute followed roll call.

APPROVAL OF AGENDA

Moved by Councilmember Jackson; Seconded by Councilmember Frantz.

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

Agenda approved 6-0.

PUBLIC COMMENT

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

No comments from the public.

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

DISCUSSION

Budget 2023

CFO, George Lang, reviewed changes made to the budget. The police car was moved out of the operating budget for this year and moved to the capital budget. We will be purchasing a new police car this year. Discussion ensued. The Budget will be introduced at the June 6, 2023 meeting.

ADJOURNMENT

7:11

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

Respectfully Submitted,

Margaret Riggio, RMC
Borough Clerk

Approved by Hightstown Borough Council: _____

**Meeting Minutes
Hightstown Borough Council
May 15, 2023
6:30 p.m.**

The meeting was called to order by Mayor Bluth at 6:30 p.m. and she 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>	Arrived late	
<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.

The Flag Salute followed roll call.

APPROVAL OF AGENDA

Mayor Bluth stated that changing the date of the July 3rd Council meeting be added to discussion.

Moved by Councilmember Montferrat; Seconded by Councilmember Jackson.

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

Agenda approved 6-0.

PUBLIC COMMENT

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

No public comment.

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

ORDINANCES

Ordinance 2023-07 First Reading and Introduction An Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a Cap Bank (N.J.S.A. 40A:4-45.14)

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

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

Ordinance introduced 6-0. Public Hearing Scheduled for June 5, 2023.

Ordinance 2023-07

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

BOND ORDINANCE PROVIDING FOR ENGINEER COSTS FOR LEAD LINE WATER SERVICE REPLACEMENT FOR THE WATER-SEWER UTILITY IN AND BY THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$100,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$100,000 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 \$100,000. 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 \$100,000 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 engineer costs for lead line water service replacement for the water-sewer utility, including all related costs and expenditures 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 15 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$100,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$100,000 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 2023-08 First Reading and Introduction A Bond Ordinance Providing for Improvements to the Anaerobic Digester for the Water-Sewer Utility and by the Borough of Hightstown, in the County of Mercer, New Jersey, Appropriating \$499,500 Therefor and Authorizing the Issuance of \$499,500 Bonds or Notes of the Borough to Finance the Cost Thereof

Moved for introduction by Councilmember Jackson; Seconded by Councilmember Frantz.

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

Ordinance introduced 6-0. Public Hearing Scheduled for June 5, 2023

Ordinance 2023-08

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

**AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET
APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:
4-45.14)**

WHEREAS, the Local Government Cap Law, *N.J.S. 40A: 4-45.1 et seq.*, provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

WHEREAS, *N.J.S.A. 40A: 4-45.15a* provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

WHEREAS, the Mayor and Council of the Borough of Hightstown in the County of Mercer finds it advisable and necessary to increase its CY 2023 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

WHEREAS, the Mayor and Council hereby determine that a 1.0% increase in the budget for said year, amounting to \$64,084.46 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

WHEREAS, the Mayor and Council hereby determine that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Mayor and Council of the Borough of Hightstown, in the County of Mercer, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2023 budget year, the final appropriations of the Borough of Hightstown shall, in accordance with this ordinance and *N.J.S.A. 40A: 4-45.14*, be increased by 3.5%, amounting to \$224,295.60, and that the CY 2023 municipal budget for the Borough of Hightstown be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, be filed with said Director within 5 days after such adoption.

RESOLUTIONS

Resolution 2023-99 Authorizing Payment of Bills

Moved by Councilmember Gulati; Seconded by Councilmember Fowler.

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

Resolution adopted 6-0.

Resolution 2023-99

*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 \$228,038.10 from the following accounts:

Current		\$136,458.22
W/S Operating		73,365.77
General Capital		9,277.76
Water/Sewer Capital		5,157.50
Grant		1,311.65
Trust		818.00
Unemployment Trust		0.00
Animal Control		0.00
Law Enforcement Trust		0.00
Tax Lien Trust		0.00
Public Defender Trust		0.00
Escrow		<u>1,649.20</u>
Total		<u>\$228,038.10</u>

Resolution 2023-100 Proclaiming May 14, 2023 – May 20, 2023, as Police Appreciation Week

Moved by Councilmember Fowler; Seconded by Councilmember Cicalese.

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

Resolution adopted 6-0.

Resolution 2023-100

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

PROCLAIMING MAY 14, 2023 – MAY 20, 2023

AS POLICE APPRECIATION WEEK

WHEREAS, In 1962, President John F. Kennedy proclaimed May 15 as National Peace Officers Memorial Day and the calendar week in which May 15 falls, as National Police Week. Established by a joint resolution of Congress in 1962, National Police Week is dedicated to honoring law enforcement officers; and

WHEREAS, The members of the Hightstown Borough Police Department play an essential role in safeguarding the rights and freedoms of the Borough of Hightstown; and

WHEREAS, It is important that all citizens know and understand the duties, responsibilities, hazards and sacrifices of their law enforcement agency, and that members of our law enforcement agency recognize their duty to serve the people by safeguarding life and property, by protecting them against violence and disorder, and by protecting the innocent against deception and the weak against oppression; and

WHEREAS, the Hightstown Borough Mayor and Council wish to proclaim the May 14, 2023 – May 20, 2023, as Police Appreciation Week to recognize the Hightstown Borough Police Officers and their service to the residents.

NOW THEREFORE BE IT RESOLVED *by the Mayor and Council of the Borough of Hightstown that we hereby proclaim May 14, 2023 – May 20, 2023, as Police Appreciation Week in the Borough of Hightstown and call upon its citizens to honor police officers, past and present, who by their faithful and loyal devotion to their responsibilities have rendered a dedicated service to their communities and, in doing so, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.*

Resolution 2023-101 A Resolution Authorizing the Execution of a License Agreement for Temporary Site Work (Block 7, Lot 41) Between the Borough of Hightstown and the State of New Jersey Department of Transportation for the Purposes of Tree Trimming and Removal of Tree Branches

Moved by Councilmember Fowler; Seconded by Councilmember Cicalese.

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

Resolution adopted 6-0.

Resolution 2023-101

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

**A RESOLUTION AUTHORIZING THE EXECUTION OF A LICENSE AGREEMENT
FOR TEMPORARY SITE WORK (BLOCK 7, LOT 41) BETWEEN THE
BOROUGH OF HIGHTSTOWN AND THE STATE OF NEW JERSEY
DEPARTMENT OF TRANSPORTATION FOR THE PURPOSES OF
TREE TRIMMING AND REMOVAL OF TREE BRANCHES.**

WHEREAS, the Borough of Hightstown (also referenced as the “Borough”) is the record owner of certain real property known and designated as Block 7, Lot 41 on the Official Tax Map of the Borough (the “Property”), as situated in the Borough of Hightstown, County of Mercer, State of New Jersey; and

WHEREAS, there is a need for the New Jersey Department of Transportation (the “NJDOT”) to enter upon certain area(s) of the Property for the purpose of tree trimming and the removal of tree branches (the “project”); and

WHEREAS, the NJDOT has agreed to pay the sum of One Thousand and 00/100 Dollars (\$1,000.00) to the Borough as compensation and consideration for the temporary right to enter upon the Property to perform the project; and

WHEREAS, the Borough has agreed to permit the NJDOT to temporarily access the Property to perform the project, under the terms and conditions set forth in the attached License Agreement (the “Agreement”); and

WHEREAS, the area of the project is described and depicted in more detail in Exhibits “A” and “B” annexed to the attached Agreement.

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

1. That the Borough Council hereby approves the attached Agreement, in accordance with the provisions set forth above.
2. That the Mayor is hereby authorized to execute, and the Borough Clerk to attest, the attached Agreement.
3. That a certified copy of this Resolution (along with the attached Agreement) shall be provided to each of the following:
 - a. New Jersey Department of Transportation;
 - b. Dimitri Musing, Borough Administrator; and
 - c. Frederick C. Raffetto, Borough Attorney.

CONSENT AGENDA

Councilmember Montferrat moved Resolutions 2023-102, 2023-103, 2023-104, 2023-105, 2023-106, 2023-107, 2023-108, 2023-109, 2023-110, 2023-111, 2023-112, 2023-113 as a Consent Agenda; Councilmember Jackson seconded.

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

Resolution adopted 6-0.

Resolution 2023-102

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

AUTHORIZING COMPLETION OF STORMWATER INFRASTRUCTURE MAP AS REQUIRED BY NJDEP

WHEREAS, the Borough of Hightstown holds a Tier A NJPDES Stormwater Permit; and

WHEREAS, the Tier A NJPDES Stormwater Permit requires that the Borough provide mapping of the entirety of the stormwater system; and

WHEREAS, at its meeting May 1, 2023, Borough Council directed the Borough Engineer, Carmela Roberts of Roberts Engineering, to complete the stormwater mapping for a cost not to exceed \$25,000; and

WHEREAS, the Borough of Hightstown received the Stormwater Assistance Grant from NJDEP in the amount of \$25,000.00 made payable in two installments; and

WHEREAS, the initial payment of \$15,000.00 has been received and the subsequent \$10,000.00 will be made payable upon submission of the completed Stormwater Infrastructure Map to the DEP by December 31, 2025; and

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

NOW, THEREFORE BE IT RESOLVED, that the Borough Engineer is hereby authorized to complete Hightstown Borough's Stormwater Infrastructure Map at a cost not to exceed \$25,000.00.

Resolution 2023-103

*BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER*

STATE OF NEW JERSEY

**AUTHORIZING THE BOROUGH ENGINEER TO CHANGE THE
SCOPE OF WORK FOR IMPROVEMENTS TO ORCHARD AVENUE,
MEADOW DRIVE, CLOVER LANE AND SOUTH MAIN STREET**

WHEREAS, the Borough of Hightstown received a grant from NJDOT for Improvements to Orchard Avenue, Meadow Drive, Clover Lane and South Main Street; and

WHEREAS, at its meeting May 1, 2023, Borough Council directed the Borough Engineer, Carmela Roberts of Roberts Engineering, to change the scope of work for this project; and

WHEREAS, the changes included adding a crosswalk and rectangular rapid flashing beacons (RRFBs) across south Main Street at the intersection of Leshin Lane; and

NOW, THEREFORE BE IT RESOLVED, that the Borough Engineer is hereby authorized to change the scope work on the Improvements to Orchard Avenue, Meadow Drive, Clover Lane and South Main Street as detailed herein.

Resolution 2023-104

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

**AUTHORIZING THE DESIGN AND INSPECTION OF
IMPROVEMENTS TO THE ANAEROBIC DIGESTER AT THE
ADVANCED WASTE WATER TREATMENT PLANT**

WHEREAS, following a recent inspection of the Anaerobic Digester located at the Hightstown Advanced Wastewater Treatment Plant the Borough Engineer recommends substantial improvements be made; and

WHEREAS, the improvements consist of the following items: removal of the digester cover for cleaning, painting, and further inspection; cleaning the digester and inspect for potential repairs and replacing the Perth mixing system with a new jet mixing system; and

WHEREAS, at its meeting May 1, 2023, Borough Council verbally authorized the Borough Engineer, Carmela Roberts of Roberts Engineering, to begin the design of this project and to perform all necessary inspections at the conclusion of the project for a cost not to exceed \$54,000.00;

WHEREAS, the CFO certifies that funds are available for this project upon the adoption of Ordinance 2023-08.

NOW, THEREFORE BE IT RESOLVED, that the Borough Engineer is hereby authorized as the design and inspection engineer for the Improvements to the Anaerobic Digester at the

Advanced Wastewater Treatment Plant as detailed herein.

Resolution 2023-105

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

**AUTHORIZING THE BOROUGH ENGINEER TO SUBMIT AN APPLICATION FOR
THE 2024 NJDOT MUNICIPAL AID GRANT – IMPROVEMENTS TO SUMMIT
STREET**

WHEREAS, the Borough of Hightstown wishes to file an application with NJDOT for a 2024 Municipal Aid Grant for Improvements to Summit Street; and

WHEREAS, the Borough Council has authorized the Borough Engineer, Carmela Roberts of Roberts Engineering Group, for an amount not to exceed \$5,500.00, to prepare the application for the NJDOT 2024 Municipal Aid Grant application.

NOW, THEREFORE BE IT RESOLVED, that the Borough Engineer is hereby authorized to file an application with NJDOT for a 2024 Municipal Aid Grant for Improvements to Summit Street, at a cost not to exceed \$5,500.00.

Resolution 2023-106

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

**AUTHORIZING THE BOROUGH ENGINEER TO SUBMIT AN APPLICATION FOR
THE NJDOT LOCAL TRANSPORTATION PROJECT FUND – IMPROVEMENTS
TO DUTCH NECK ROAD**

WHEREAS, the Borough of Hightstown wishes to file an application with NJDOT for the Local Transportation Project Fund for Improvements to Dutch Neck Road; and

WHEREAS, the Borough Council has authorized the Borough Engineer, Carmela Roberts of Roberts Engineering Group, for an amount not to exceed \$5,000.00, to prepare the application for the NJDOT 2024 Local Transportation Project Fund application.

NOW, THEREFORE BE IT RESOLVED, that the Borough Engineer is hereby authorized to file an application with NJDOT for the Local Transportation Project Fund for Improvements to Dutch Neck Road, at a cost not to exceed \$5,000.00.

Resolution 2023-107

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

AUTHORIZING REFUND OF WATER/SEWER OVERPAYMENT

WHEREAS, water/sewer overpayments were made for Account 776-0, 142 Broad Street, in the amount of \$7,870.40; and

WHEREAS, the owner, Steven Greczyn, 142 Broad Street, Hightstown, New Jersey 08520, has requested that a refund be issued for the overpayment in the amount of \$7,870.40; and

WHEREAS, the Collector has requested that said overpayment be refunded in the amount of \$7,870.40.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Collector and Deputy CFO are hereby authorized to issue a refund in the amount of \$7,870.40 to Steven Greczyn, 142 Broad Street, Hightstown, New Jersey 08520, representing the water/sewer overpayment as set forth herein.

Resolution 2023-108

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

A RESOLUTION SUPPORTING PETALS & PALETTES

WHEREAS, The Hightstown Borough Cultural Arts Commission has partnered with the Rocky Brook Garden Club to present Petal and Palettes, garden tours and plant sales; and

WHEREAS, along with tours of local gardens, selected local artists can be found painting in the gardens throughout the day; and

WHEREAS, Petals and Palettes is scheduled to take place on June 10, 2023 from 10:00 a.m. – 3:00 p.m.

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Hightstown support Petals and Palettes and look forward to another successful community event in the Borough of Hightstown.

Resolution 2023-109

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

A RESOLUTION PROCLAIMING MAY COMMUNITY ACTION MONTH

WHEREAS, Community Action Service Center dba Rise has made essential contributions to individuals and families across the nation by creating economic opportunities and strengthening communities; and

WHEREAS, Community Action is a robust state and local force connecting people to life-changing services and creating pathways to prosperity in 99% of all American counties, including central New Jersey; and

WHEREAS, Community Action builds and promotes economic stability as an essential aspect of enabling and enhancing stronger communities and stable homes, as exemplified by Rise's mission to assist local families and individuals in recovering from setbacks and achieving their full potential; and

WHEREAS, Community Action promotes community-wide solutions to challenges throughout our cities, suburbs, and rural areas, as seen through Rise's efforts to create social services programs that address the unique needs of their community; and

WHEREAS, Community Action delivers innovative services and supports that create greater opportunities for families and children to succeed, such as Rise's customized programs and partnerships with other organizations; and

WHEREAS, Community Action insists on community participation and involvement, ensuring that all sectors of the community have a voice and will be heard, as demonstrated by Rise's commitment to engaging with volunteers and partners to build a sense of community and shared purpose; and

WHEREAS, Community Action is celebrating 58 years of innovation, impact, and providing proven results for Americans, including Rise's work in central New Jersey to support those in need.

NOW, THEREFORE BE IS RESOLVED that the Mayor and Council of the Borough of Hightstown do hereby declare May 2023 as Community Action Month in recognition of the hard work and dedication of all Community Action Agencies, including the essential contributions of Community Action Service Center dba Rise in central New Jersey.

Resolution 2023-110

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

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN THE BOROUGH OF HIGHTSTOWN AND THE HIGHTSTOWN EAST WINDSOR HISTORICAL SOCIETY.

WHEREAS, the Hightstown East Windsor Historical Society (the “HEWHS”) is a non-profit organization that is located within the Borough; and

WHEREAS, the HEWHS is the record owner of certain real property located at 164 North Main Street, which is more commonly known and designated as Block 30, Lot 9 on the Official Tax Map of the Borough (the “Property”); and

WHEREAS, the Property is the site of a historic building that is known as the Ely House; and

WHEREAS, the rear of the Ely house contains an addition known as the “Railroad Station”; and

WHEREAS, the HEWHS has historically and periodically allowed the Borough to utilize the Railroad Station building as a venue for the holding of meetings of the Borough Council and various other Boards, Committees, Commissions and agencies that are also affiliated with the Borough; and

WHEREAS, at current, there is one water meter located within the Ely House, and a second water meter located within the Railroad Station building; and

WHEREAS, typically, there has been very little usage of the water meter located within the Railroad Station building (account # 1784-1); and

WHEREAS, the Borough wishes to formalize an arrangement for use of the Railroad Station building as a venue for the holding of certain meetings of various Borough Boards, Committees, Commissions and agencies, and/or for staff meetings involving Borough employees, professionals or other agents of the Borough, on an as-needed basis; and

WHEREAS, in return, the Borough has agreed to waive the minimum quarterly usage charge for the water meter located within the Railroad Station building (account # 1784-1), up to a maximum of 1,000 cubic feet of metered water usage (also referenced as the “maximum quarterly usage allotment”) per quarter; and

WHEREAS, in cases where the quarterly use of water under account # 1784-1 is in excess of the maximum quarterly usage allotment, the HEWHA would be charged the regular quarterly base charge for water and sewer for that quarter, as well as the appropriate charges for actual water and sewer consumption for that quarter; and

WHEREAS, the Parties have negotiated the attached Agreement in order to memorialize the understandings set forth above; and

WHEREAS, the Mayor and Borough Council wish to approve the attached Agreement and to authorize the Mayor and Borough Clerk to execute the same.

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

1. That the Borough Council hereby approves the attached Agreement, in accordance with the provisions set forth above.
2. That the Mayor is hereby authorized to execute, and the Borough Clerk to attest, the attached Agreement.
3. That a certified copy of this Resolution (along with the attached Agreement) shall be provided to each of the following:
 - a. Charles Stults, III, President, Hightstown East Windsor Historical Society;
 - b. Dimitri Musing, Borough Administrator; and
 - c. Frederick C. Raffetto, Borough Attorney.

Resolution 2023-111

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

RESCINDING RESOLUTION 2022-46 COVID-19 WORKPLACE POLICY

WHEREAS, on February 7, 2022, Hightstown Borough Council adopted Resolution 2022-46 establishing a Covid-19 Workplace Policy ensuring the safety, health and welfare of all of its employees; and

WHEREAS, May 11, 2023, marked the end of the federal Covid-19 Public Health Emergency; and

WHEREAS, in light of the end of the public health, Borough Council is ending the Covid-19 Workplace Policy by rescinding Resolution 2022-46 effective immediately.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Hightstown Resolution 2022-46 be rescinded and that the Covid-19 Workplace Policy be ended immediately.

BE IT FURTHER RESOLVED that a copy of this Resolution shall be forwarded to the Borough Clerk for distribution to all Borough employees.

Resolution 2023-112

*BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER*

STATE OF NEW JERSEY

**A RESOLUTION SUPPORTING THE 1ST ANNUAL NEAL GLACKIN MEMORIAL
YOUTH FISHING DERBY**

WHEREAS, Hightstown Engine Company No. 1 is sponsoring the 1st Annual Neal Glackin Memorial Youth Fishing Derby; and

WHEREAS, the Fishing Derby will take place on June 10, 2023, from 9:00 a.m. – 12:00 p.m. at Peddie Lake, Memorial Park; and

WHEREAS, this year's fishing derby has been renamed in honor of Past Chief Neal Glackin

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Hightstown support the 1st Annual Neal Glackin Memorial Youth Fishing Derby and thank Hightstown Engine Company No. 1 for their efforts in providing a memorable experience for the Hightstown Borough community.

Resolution 2023-113

*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	514,067.00	1,541,878.00	2,055,945.00
Capital Outlay – Current	0.00	0.00	0.00

Debt Service - Current	0.00	0.00	0.00
Water/Sewer	175,000.00	529,500.00	704,500.00
Capital Outlay – W/S	0.00	0.00	0.00
Debt Service - W/S	0.00	0.00	0.00
TOTAL	689,067.00	2,071,378.00	2,760,445.00

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
5/15/2023

Current Fund

Workers Compensation Insurance	Other Expenses	25,000.00
Engineer	Other Expenses	7,000.00
Police	Salaries and Wages	120,000.00
Fire Department	Other Expenses	10,000.00
Streets and Roads	Salaries and Wages	35,000.00
Streets and Roads	Other Expenses	20,000.00
Public Buildings and Grounds	Other Expenses	25,000.00
Solid Waste	Other Expenses	10,000.00
Recycling	Salaries and Wages	15,000.00
Street Lighting	Other Expenses	5,000.00
Stormwater Mapping Grant	Other Expenses	25,000.00

Construction Code	Salaries and Wages	15,000.00
Housing	Salaries and Wages	5,000.00
Landfill	Other Expenses	25,000.00
Recycling Tax	Other Expenses	2,000.00
Animal Control Manalapan	Other Expenses	6,000.00
Roosevelt Tipping Shared Service	Other Expenses	5,000.00
Click It or Ticket	Salaries and Wages	7,000.00
East Windsor Dispatch	Other Expenses	<u>152,067.00</u>
Total Current Fund		<u>514,067.00</u>
Water-Sewer Operating Fund		
Salaries and Wages		90,000.00
Other Expenses		80,000.00
Social Security		<u>5,000.00</u>
Total Water Sewer Operating		<u>175,000.00</u>
Total		<u><u>689,067.00</u></u>

DISCUSSION

North Main Street On-Street Parking at Bank Street

Mr. Musing stated that state statute prohibits parking within 25 feet from the intersection. We would like to move that back an additional 25 feet from the intersection for a total of 50 feet. The County has given verbal approval. If Council agrees to move forward with an ordinance, the ordinance will be sent to the County for formal approval following adoption. Discussion ensued. Council agreed to move forward with changing the ordinance to no parking 50 feet

from intersection on Main Street and Bank Street.

Appoint Special Events Permit Subcommittee

Mayor Bluth stated that a subcommittee needs to be formed to review a special events permit. Mayor Bluth appointed Borough Clerk, Peggy Riggio; Councilmember Frantz and Councilmember Gulati.

July 3, 2023 Meeting Date

Mayor Bluth took a straw vote to change the Monday, July 3, 2023 meeting to Wednesday, July 5, 2023. Council unanimously voted to change the July 3rd meeting to July 5th. Ms. Riggio will make the proper notifications for the meeting change.

MAYOR/COUNCIL/ADMINISTRATIVE REPORTS

Councilmember Montferrat

- PRC – project is moving forward.
- Municipal Facility – working with the Musial Group to get the bid specifications ready.
- Stockton Street Curbs and Sidewalks – Bid opening will take place this week.
- Planning Board – Beginning to work on the Master Plan

Councilmember Frantz

- Environmental Commission – Youth Leadership Presentations will be held on May 16th. The public is welcome to attend.

Councilmember Fowler

- Memorial Day Parade – Set for May 29th at 9:00 a.m. Council President Jackson will serve as the Master of Ceremonies.

Councilmember Cicalese

- Parks & Rec
 - The first Fun Friday is scheduled for June 14th and they are looking for food trucks
 - Dawes Park Fence – looking to get quotes to replace the fence.
 - The Commission met last week and approved 2 park use permits

Councilmember Jackson

- HPC – will be meeting this Thursday via zoom. The information is on the Borough website.
- Dye Street looks beautiful. The Borough should be very proud of this project.
- Volunteers are still needed for several commission positions.

Mayor Bluth

- The flood gates at the Peddie Dam were not functioning properly. We had divers come in to repair and while they were here they noted other items were broke. They will be coming back for a full inspection.
- She has met with Congressman Kim. They spoke about truck traffic in town and he agreed that the bypass is an underused highway. He will be holding a meeting with Mercer County Mayors to discuss and form a task force to examine truck traffic. It was a very productive meeting.

EXECUTIVE SESSION

Resolution 2023-114 Authorizing a Meeting that Excludes the Public

Moved by Councilmember Montferrat; Seconded by Councilmember Fowler.

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

Resolution adopted 6-0.

Resolution 2023-114

*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 May 15, 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

Contract Negotiations – Robbinsville
Contract Negotiations – Municipal Services

Stated as precisely as presently possible the following is the time when and the circumstances under which the discussion conducted at said meeting can be disclosed to the public August 15, 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.

Council adjourned to Executive session at 7:09 p.m.

Council returned to Public Session at 7:47 p.m.

ADJOURNMENT

7:48

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

Respectfully Submitted,

Margaret Riggio, RMC
Borough Clerk

Approved by Hightstown Borough Council: _____

Ordinance 2023-14

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

**AN ORDINANCE ESTABLISHING CERTAIN REGULATIONS AND AMENDING
AND SUPPLEMENTING “THE REVISED GENERAL ORDINANCES OF THE
BOROUGH OF HIGHTSTOWN,” IN ORDER TO ESTABLISH A NEW
CHAPTER 22 THEREOF TO BE KNOWN AS
“PRIVATELY-OWNED SALT STORAGE.”**

WHEREAS, the Mayor and Council wish to revise “The Revised General Ordinances of the Borough of Hightstown” (the “Borough Code”), in order to establish certain regulations relating to privately-owned salt storage.

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

1. That Chapter 22, currently entitled “Reserved,” of the Borough Code, is hereby established to read as follows:

Chapter 22. Privately-Owned Salt Storage

Article 22-1. Privately-Owned Salt Storage Regulations

§ 22-1-1. Purpose.

The purpose of this chapter is to prevent stored salt and other solid de-icing materials from being exposed to stormwater.

This chapter establishes requirements for the storage of salt and other solid de-icing materials on properties not owned or operated by the Borough (privately-owned), including residences within the Borough to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

§ 22-1-2. Definitions.

For the purpose of this chapter, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this chapter clearly demonstrates a different meaning. When consistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

DE-ICING MATERIALS

Any granular or solid material such as melting salt or any other granular solid that assists in the melting of snow.

IMPERVIOUS SURFACE

A surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.

PERMANENT STRUCTURE

A permanent building or permanent structure that is anchored to a permanent foundation with an impermeable floor, and that is completely roofed and walled (new structures require a door or other means of sealing the access way from wind driven rainfall).

A fabric frame structure is a permanent structure if it meets the following specifications:

1. Concrete blocks, jersey barriers or other similar material shall be placed around the interior of the structure to protect the side walls during loading and unloading of de-icing materials;
2. The design shall prevent stormwater run-on and run through, and the fabric cannot leak;
3. The structure shall be erected on an impermeable slab;
4. The structure cannot be open sided; and
5. The structure shall have a roll up door or other means of sealing the access way from wind driven rainfall.

PERSON

Any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

RESIDENT

A person who resides on a residential property where de-icing material is stored.

STORM DRAIN INLET

The point of entry into the storm water system.

§ 22-1-3. De-icing Material Storage Requirements.

- A. Temporary outdoor storage of de-icing materials shall be allowed between October 15th and April 15th of the year, in accordance with the following requirements:
 - (1) Loose materials shall be placed on a flat, impervious surface in a manner that prevents stormwater run-through;
 - (2) Loose materials shall be placed at least 50 feet from surface water bodies, storm drain inlets, ditches and/or other stormwater conveyance channels;

- (3) Loose materials shall be maintained in a cone-shaped storage pile. If loading or unloading activities alter the cone-shape during daily activities, tracked materials shall be swept back into the storage pile, and the storage pile shall be reshaped into a cone after each use;
- (4) Loose materials shall be covered as follows:

- (a) The cover shall be waterproof, impermeable, and flexible;
- (b) The cover shall extend to the base of the pile(s);
- (c) The cover shall be free from holes or tears;
- (d) The cover shall be secured and weighed down around the perimeter to prevent removal by wind; and
- (e) Weight shall be placed on the cover(s) in such a way that minimizes the potential of exposure as materials shift and runoff flows down to the base of the pile.

[1] Sandbags lashed together with rope or cable and placed uniformly over the flexible cover, or poly-cord provide a suitable method. Items that can potentially hold water (e.g., old tires) shall not be used;

- (5) Containers must be sealed when not in use; and

- (6) The site shall be free of all de-icing materials between April 16th and October 14th.

- B. De-icing materials should be stored in a permanent structure if a suitable storage structure is available. For storage of loose de-icing materials in a permanent structure, such storage may be permanent, and thus not restricted to the time period between October 15th and April 15th.
- C. All temporary and/or permanent structures utilized for the storage of de-icing materials must also comply with all other applicable Borough ordinances, including but not limited to building and zoning regulations.
- D. The property owner, or owner of the de-icing materials if different, shall designate a person(s) responsible for operations at the site where these materials are stored outdoors, and who shall document that weekly inspections are conducted to ensure that the conditions of this chapter are met. Inspection records shall be kept on site and made available to the municipality upon request.

- (1) Residents who operate businesses from their homes that utilize de-icing materials are required to perform weekly inspections.

§ 22-1-4. Exemptions.

Residents may store de-icing materials outside in a solid-walled, closed container that prevents precipitation from entering and exiting the container, and which prevents the de-icing materials

from leaking or spilling out. Under these circumstances, weekly inspections are not necessary, but repair or replacement of damaged or inadequate containers shall occur within 2 weeks.

If containerized (in bags or buckets) de-icing materials are stored within a permanent structure, they are not subject to the storage and inspection requirements in § 22-1-3 above. Piles of de-icing materials are not exempt, even if stored in a permanent structure.

This chapter does not apply to facilities where the stormwater discharges from de-icing material storage activities are regulated under another NJPDES permit.

§ 22-1-5. Enforcement.

The provisions of this chapter shall be enforced by the Hightstown Borough Police Department and the Superintendent of Public Works or his/her designee(s).

§ 22-1-6. Violations and Penalties.

Any person(s) who is found to be in violation of the provisions of this chapter shall have 72 hours to complete corrective action. Repeat violations and/or failure to complete corrective action shall result in penalties as stated in Chapter 1, Article 1-5.

2. 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.

3. 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.

4. That this Ordinance shall take effect upon final passage and publication in accordance with the law.

Introduction:

Adoption:

ATTEST:

MARGARET RIGGIO
MUNICIPAL CLERK

SUSAN BLUTH
MAYOR

Ordinance 2023-15

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

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 19-2-8, ENTITLED “BILLING,” OF ARTICLE 19-2, “CHARGES AND RENTS,” OF CHAPTER 19, “WATER AND SEWER,” OF “THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN,” IN CERTAIN LIMITED RESPECTS.

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

WHEREAS, the Mayor and Council wish to revise Section 19-2-8, entitled “Billing” of Article 19-2 of the Borough Code, in certain limited respects.

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

1. That Section 19-2-8, entitled “Billing,” of Article 19-2, “Charges and Rents,” of Chapter 19, “Water and Sewer,” of “The Revised General Ordinances of the Borough of Hightstown” is hereby amended and supplemented in the following respects (additions are show with underline; deletions are shown with ~~strikethrough~~):

§ 19-2-8. Billing.

- A. Billing to Owners. Billing by the Borough water and sewer utility office shall be to the record owners of the lot served by the utility.
- B. Reimbursement for Errors in Billing. It is the record owner(s)’ responsibility to monitor their water and sewer bills and inform the Borough immediately if an error is detected or suspected. If an error in billing is discovered, involving amounts that were either under-billed or over-billed to the record owner(s)’ account, the Borough’s liability and responsibility to correct the error shall be limited to providing a credit or debit, as applicable, to the record owner(s)’ account for amounts covering up to (a maximum of) the last four (4) billing cycles from the time when the billing error was brought to the Borough’s attention.
- ~~BC.~~ Procedure for Unpaid Bills. Use charges for water and sewer service shall be a first lien or charge against the property benefitted therefrom. The liens shall be enforceable in the manner provided for real property tax liens in Chapter 5 of Title 54 of the New Jersey Revised Statutes. Unpaid water and sewer charges shall be subject to an interest charge in the same manner as past-due real property taxes in the Borough.
- ~~CD.~~ Discontinuance of Service.
- (1) Discontinuance of service due to nonpayment of charges. The Borough Administrator may discontinue water and/or sewer service to any property if any water and/or sewer charges for such property are more than 45 days in arrears for residential or non-residential properties, if written notice of the proposed discontinuance of service and of the reasons therefor is given to the owner of record of the property at least 15 calendar days prior to

the date of discontinuance. The notice shall be deemed complete if it is (1) mailed by regular mail to the last known address of the owner of record, (2) mailed by regular mail for information purposes to any known occupant, and (3) postmarked at least 15 days prior to the date of discontinuance, and (4) posted in a conspicuous manner at the property at least 15 days prior to the date of discontinuance.

- (2) Discontinuance of service at request of property owner. Water and/or sewer service may be temporarily discontinued to any property at the request of the property owner, provided that the property is unoccupied. Such requests for temporary discontinuation of service shall be made in writing, signed by the property owner, and shall certify that the property is unoccupied. Accounts for which service has been temporarily discontinued in accordance with this article shall continue to accrue quarterly base charges for water and sewer as set forth in § 19-2-2, and the property owner will continue to bear full responsibility for payment of same as set forth in Subsections A and B above.
- (3) In the event that the Borough discontinues water service, whether or not at the request of the property owner, a fee of \$50 shall be charged for reestablishment of water service. Billing of the charge and the procedure for unpaid bills shall be as set forth in Subsections A and B above.

~~DE.~~ Disputed Bills Related to Water Leaks. Water charges will not be waived if a leak occurs after in the water line leading into the home at any point past the water meter. Sewer charges may be waived if the water plant operator can verify that the water which leaked did not enter the sewer system, or if a licensed plumber provides written verification that the water which leaked did not enter the sewer system.

2. That all other provisions of Chapter 19 of the Borough Code which are not referenced in Section 1 of this Ordinance shall remain unaffected/unchanged and remain in full force and effect.
3. 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.
4. 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.
5. That this Ordinance shall take effect upon final passage and publication in accordance with the law.

Introduction:

Adoption:

ATTEST:

MARGARET RIGGIO
MUNICIPAL CLERK

SUSAN BLUTH
MAYOR

Ordinance 2023-16

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

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 25, ENTITLED “STORMWATER CONTROL,” OF “THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN.”

WHEREAS, the Borough of Hightstown (the “Borough”) previously established Chapter 25, entitled “Stormwater Control,” of “The Revised General Ordinances of the Borough of Hightstown” (also referenced as the “Borough Code”); and

WHEREAS, the New Jersey Department of Environmental Protection (the “DEP”) adopted new stormwater regulations on July 17, 2023 (the “regulations”); and

WHEREAS, the regulations affect the Borough in that they are the new requirements for stormwater in the State of New Jersey (the “State”); and

WHEREAS, the Mayor and Council now wish to revise Section 25 of the Borough Code, in order to comply with the State’s new requirements.

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

1. That Chapter 25, entitled “Stormwater Control,” of the Borough Code is hereby amended and supplemented in the following respects (additions are show with underline; deletions are shown with ~~strikethrough~~):

Chapter 25. Stormwater Control

Article 25-1. General Provisions

§ 25-1-1. Scope and Purpose.

- A. Policy Statement. Flood control, groundwater recharge, and pollutant reduction shall be achieved through the use of stormwater management measures, including green infrastructure Best Management Practices (GI BMPs) and nonstructural stormwater management strategies. GI BMPs and low impact development (LID) should be utilized to meet the goal of maintaining natural hydrology to reduce stormwater runoff volume, reduce erosion, encourage infiltration and groundwater recharge, and reduce pollution. GI BMPs and LID should be developed based upon physical site conditions and the origin, nature and the anticipated quantity, or amount, of potential pollutants. Multiple stormwater management BMPs may be necessary to achieve the established performance standards for water quality, quantity, and groundwater recharge.
- B. Purpose. The purpose of this chapter is to establish minimum stormwater management requirements and controls for "major development," as defined below in § 25-1-2.
- C. Applicability.

- (1) This chapter shall be applicable to the following major developments:
 - (a) Non-residential major developments; and
 - (b) Aspects of residential major developments that are not preempted by the Residential Site Improvement Standards at N.J.A.C. 5:21.
- (2) This chapter shall also be applicable to all major developments undertaken by the Borough of Hightstown.
- (3) This chapter shall also apply to any Borough issued Zoning Permits which are not covered under items 1 and 2 above. The Zoning Officer shall provide a copy of all applications for Zoning Permits issued in accordance with this section to the Borough's Environmental Commission for review and recommendation.
- (4) An application required by ordinance pursuant to **C(1)** above that has been submitted prior to **September 5, 2023**, shall be subject to the stormwater management requirements in effect on **September 4, 2023**.
- (5) An application required by ordinance for approval pursuant to **C(1)** above that has been submitted on or after March 2, 2021, but prior to **{adoption date of this ordinance}**, shall be subject to the stormwater management requirements in effect on **{1 day prior to the adoption date of this ordinance}**.
- (6) Notwithstanding any rule to the contrary, a major development for any public roadway or railroad project conducted by a public transportation entity that has determined a preferred alternative or reached an equivalent milestone before July 17, 2023 shall be subject to the stormwater management requirements in effect prior to July 17, 2023.
- (7) Any application required pursuant to Sections A and B above, which has not received preliminary approval prior to the effective date of this chapter shall be subject to the provisions of this chapter.

D. Compatibility with Other Permit and Ordinance Requirements.

- (1) Development approvals issued pursuant to this chapter are to be considered an integral part of development approvals and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance. In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.
- (2) This chapter is not intended to interfere with, abrogate, or annul any other ordinances, rule or regulation, statute, or other provision of law except that, where any provision of this chapter imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, the more restrictive provisions or higher standards shall control.

§ 25-1-2. Definitions.

For the purpose of this chapter, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. The definitions below are the same as or based on the corresponding definitions in the Stormwater Management Rules at N.J.A.C. 7:8-1.2.

CAFRA CENTERS, CORES OR NODES

Those areas with boundaries incorporated by reference or revised by the Department in accordance with N.J.A.C. 7:7-13.16.

CAFRA PLANNING MAP

The map used by the Department to identify the location of Coastal Planning Areas, CAFRA centers, CAFRA cores, and CAFRA nodes. The CAFRA Planning Map is available on the Department's Geographic Information System (GIS).

COMMUNITY BASIN

An infiltration system, sand filter designed to infiltrate, standard constructed wetland, or wet pond, established in accordance with N.J.A.C. 7:8-4.2(c)14, that is designed and constructed in accordance with the New Jersey Stormwater Best Management Practices Manual, or an alternate design, approved in accordance with N.J.A.C. 7:8-5.2(g), for an infiltration system, sand filter designed to infiltrate, standard constructed wetland, or wet pond and that complies with the requirements of this chapter.

COMPACTION

The increase in soil bulk density.

CONTRIBUTORY DRAINAGE AREA

The area from which stormwater runoff drains to a stormwater management measure, not including the area of the stormwater management measure itself.

CORE

A pedestrian-oriented area of commercial and civic uses serving the surrounding municipality, generally including housing and access to public transportation.

COUNTY REVIEW AGENCY

An agency designated by the County ~~Board of Chosen Freeholders~~ Commissioners to review municipal stormwater management plans and implementing ordinance(s). The county review agency may either be:

- A. A county planning agency or
- B. A county water resource association created under N.J.S.A. 58:16A-55.5, if the ordinance or resolution delegates authority to approve, conditionally approve, or disapprove municipal stormwater management plans and implementing ordinances.

DEPARTMENT

The Department of Environmental Protection.

DESIGN ENGINEER

A person professionally qualified and duly licensed in New Jersey to perform engineering services that may include, but not necessarily be limited to, development of project requirements, creation and development of project design and preparation of drawings and specifications.

DESIGNATED CENTER

A State Development and Redevelopment Plan Center as designated by the State Planning Commission such as urban, regional, town, village, or hamlet.

DEVELOPMENT

- A. The division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlarge-enlargement of any building or structure, any mining excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission is required under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.
- B. In the case of development of agricultural land, development means: any activity that requires a State permit, any activity reviewed by the County Agricultural Board (CAB) and the State Agricultural Development Committee (SADC), and municipal review of any activity not exempted by the Right to Farm Act, N.J.S.A. 4:1C-1 et seq.

DISTURBANCE

The placement or reconstruction of impervious surface or motor vehicle surface, or exposure and/or movement of soil or bedrock or clearing, cutting, or removing of vegetation. Milling and repaving is not considered disturbance for the purposes of this definition.

DRAINAGE AREA

A geographic area within which stormwater, sediments, or dissolved materials drain to a particular receiving waterbody or to a particular point along a receiving waterbody.

EMPOWERMENT NEIGHBORHOODS

Neighborhoods designated by the Urban Coordinating Council "in consultation and conjunction with" the New Jersey Redevelopment Authority pursuant to N.J.S.A. 55:19-69.

ENVIRONMENTALLY CONSTRAINED AREA

The following areas where the physical alteration of the land is in some way restricted, either through regulation, easement, deed restriction or ownership such as: wetlands, floodplains, threatened and endangered species sites or designated habitats, and parks and preserves. Habitats of endangered or threatened species are identified using the Department's Landscape Project as approved by the Department's Endangered and Nongame Species Program.

ENVIRONMENTALLY CRITICAL AREA

An area or feature which is of significant environmental value, including but not limited to: stream corridors, natural heritage priority sites, habitats of endangered or threatened species, large areas of contiguous open space or upland forest, steep slopes, and well head protection and groundwater recharge areas. Habitats of endangered or threatened species are identified using the Department's Landscape Project as approved by the Department's Endangered and Nongame Species Program.

EROSION

The detachment and movement of soil or rock fragments by water, wind, ice, or gravity.

GREEN INFRASTRUCTURE

A stormwater management measure that manages stormwater close to its source by:

- A. Treating stormwater runoff through infiltration into subsoil;
- B. Treating stormwater runoff through filtration by vegetation or soil; or
- C. Storing stormwater runoff for reuse.

HUC 14 or HYDROLOGIC UNIT CODE 14

An area within which water drains to a particular receiving surface water body, also known as a subwatershed, which is identified by a 14-digit hydrologic unit boundary designation, delineated within New Jersey by the United States Geological Survey.

IMPERVIOUS SURFACE

A surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.

INFILTRATION

The process by which water seeps into the soil from precipitation.

LEAD PLANNING AGENCY

One or more public entities having stormwater management planning authority designated by the regional stormwater management planning committee pursuant to N.J.A.C. 7:8-3.2, that serves as the primary representative of the committee.

MAJOR DEVELOPMENT

- A. An individual "development," as well as multiple developments that individually or collectively result in:
 - (1) The disturbance of one or more acres of land since February 2, 2004;
 - (2) The creation of 1/4 acre or more of "regulated impervious surface" since February 2, 2004;
 - (3) The creation of 1/4 acre or more of "regulated motor vehicle surface" since March 2, 2021 ~~(or the effective date of this chapter, whichever is earlier)~~; or
 - (4) A combination of Subsections [A\(2\)](#) and [\(3\)](#) above that totals an area of one-quarter acre or more. The same surface shall not be counted twice when determining if the combination area equals one-quarter acre or more.
- B. Major development includes all developments that are part of a common plan of development or sale (for example, phased residential development) that collectively or individually meet any one or more of Subsections [A\(1\)](#), [\(2\)](#), [\(3\)](#) or [\(4\)](#) above. Projects undertaken by any government agency that otherwise meet the definition of "major development" but which do not require approval under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., are also considered "major development."

~~NOTE: The definition of major development above aligns with the definition at N.J.A.C. 7:8-1.2 and is recommended for consistency. Alternatively, a municipality may adopt the following definition, which is the minimum standard required. Municipalities that have already adopted the definition at N.J.A.C. 7:8-1.2 or another definition that goes beyond the minimum requirement should not reduce the stringency of their definition by adopting the minimum standard.~~

~~"Major development" means an individual "development," as well as multiple developments that individually or collectively result in the disturbance of one or more acres of land since February 2, 2004.~~

~~Major development includes all developments that are part of a common plan of development or sale (for example, phased residential development) that collectively or individually result in the disturbance of one or more acres of land since February 2, 2004. Projects undertaken by any government agency that otherwise meet the definition of "major development" but which do not require approval under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., are also considered "major development."~~

~~Additionally, individual municipalities may define major development with a smaller area of disturbance, a smaller area of regulated impervious or motor vehicle surface, or both.~~

MOTOR VEHICLE

Land vehicles propelled other than by muscular power, such as automobiles, motorcycles, autocycles, and low speed vehicles. For the purposes of this definition, motor vehicle does not include farm equipment, snowmobiles, all-terrain vehicles, motorized wheelchairs, go-carts, gas buggies, golf carts, ski-slope grooming machines, or vehicles that run only on rails or tracks.

MOTOR VEHICLE SURFACE

Any pervious or impervious surface that is intended to be used by "motor vehicles" and/or aircraft, and is directly exposed to precipitation including, but not limited to, driveways, parking areas, parking garages, roads, racetracks, and runways.

MUNICIPALITY

The Borough of Hightstown.

NEW JERSEY STORMWATER BEST MANAGEMENT PRACTICES (BMP) MANUAL or BMP MANUAL

The manual maintained by the Department providing, in part, design specifications, removal rates, calculation methods, and soil testing procedures approved by the Department as being capable of contributing to the achievement of the stormwater management standards specified in this chapter. The BMP Manual is periodically amended by the Department as necessary to provide design specifications on additional best management practices and new information on already included practices reflecting the best available current information regarding the particular practice and the Department's determination as to the ability of that best management practice to contribute to compliance with the standards contained in this chapter. Alternative stormwater management measures, removal rates, or calculation methods may be utilized, subject to any limitations specified in this chapter, provided the design engineer demonstrates to the municipality, in accordance with § 25-1-4F of this chapter and N.J.A.C. 7:8-5.2(g), that the proposed measure and its design will contribute to achievement of the design and performance standards established by this chapter.

NODE

An area designated by the State Planning Commission concentrating facilities and activities which are not organized in a compact form.

NUTRIENT

A chemical element or compound, such as nitrogen or phosphorus, which is essential to and promotes the development of organisms.

PERSON

Any individual, corporation, company, partnership, firm, association, political subdivision of this State and any state, interstate or Federal agency.

POLLUTANT

Any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, refuse, oil, grease, sewage sludge, munitions, chemical wastes, biological materials, medical wastes, radioactive substance (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. §§ 2011 et seq.)), thermal waste, wrecked or discarded equipment, rock, sand, cellar dirt, industrial, municipal, agricultural, and construction waste or runoff, or other residue discharged directly or indirectly to the land, ground waters or surface waters of the State, or to a domestic treatment works. "Pollutant" includes both hazardous and nonhazardous pollutants.

PUBLIC ROADWAY OR RAILROAD

A pathway for use by motor vehicles or trains that is intended for public use and is constructed by, or on behalf of, a public transportation entity. A public roadway or railroad does not include a roadway or railroad constructed as part of a private development, regardless of whether the roadway or railroad is ultimately to be dedicated to and/or maintained by a governmental entity.

PUBLIC TRANSPORTATION ENTITY

A Federal, State, county, or municipal government, an independent State authority, or a statutorily authorized public-private partnership program pursuant to P.L. 2018, c. 90 (N.J.S.A. 40A:11-52 et seq.), that performs a public roadway or railroad project that includes new construction, expansion, reconstruction, or improvement of a public roadway or railroad.

RECHARGE

The amount of water from precipitation that infiltrates into the ground and is not evapotranspired.

REGULATED IMPERVIOUS SURFACE

Any of the following, alone or in combination:

- A. A net increase of impervious surface;
- B. The total area of impervious surface collected by a new stormwater conveyance system (for the purpose of this definition, a "new stormwater conveyance system" is a stormwater conveyance system that is constructed where one did not exist immediately prior to its construction or an existing system for which a new discharge location is created);
- C. The total area of impervious surface proposed to be newly collected by an existing stormwater conveyance system; and/or

- D. The total area of impervious surface collected by an existing stormwater conveyance system where the capacity of that conveyance system is increased.

REGULATED MOTOR VEHICLE SURFACE

Any of the following, alone or in combination:

- A. The total area of motor vehicle surface that is currently receiving water;
- B. A net increase in motor vehicle surface; and/or quality treatment either by vegetation or soil, by an existing stormwater management measure, or by treatment at a wastewater treatment plant, where the water quality treatment will be modified or removed.

SEDIMENT

Solid material, mineral or organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water or gravity as a product of erosion.

SITE

The lot or lots upon which a major development is to occur or has occurred.

SOIL

All unconsolidated mineral and organic material of any origin.

STATE DEVELOPMENT AND REDEVELOPMENT PLAN METROPOLITAN PLANNING AREA (PA1)

An area delineated on the State Plan Policy Map and adopted by the State Planning Commission that is intended to be the focus for much of the State's future redevelopment and revitalization efforts.

STATE PLAN POLICY MAP

The geographic application of the State Development and Redevelopment Plan's goals and statewide policies, and the official map of these goals and policies.

STORMWATER

Water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, or is captured by separate storm sewers or other sewage or drainage facilities, or conveyed by snow removal equipment.

STORMWATER MANAGEMENT BMP

An excavation or embankment and related areas designed to retain stormwater runoff. A stormwater management BMP may either be normally dry (that is, a detention basin or infiltration system), retain water in a permanent pool (a retention basin), or be planted mainly with wetland vegetation (most constructed stormwater wetlands).

STORMWATER MANAGEMENT MEASURE

Any practice, technology, process, program, or other method intended to control or reduce stormwater runoff and associated pollutants, or to induce or control the infiltration or groundwater recharge of stormwater or to eliminate illicit or illegal nonstormwater discharges into stormwater conveyances.

STORMWATER MANAGEMENT PLANNING AGENCY

A public body authorized by legislation to prepare stormwater management plans.

STORMWATER MANAGEMENT PLANNING AREA

The geographic area for which a stormwater management planning agency is authorized to prepare stormwater management plans, or a specific portion of that area identified in a stormwater management plan prepared by that agency.

STORMWATER RUNOFF

Water flow on the surface of the ground or in storm sewers, resulting from precipitation.

~~TIDAL FLOOD HAZARD AREA~~

~~A flood hazard area in which the flood elevation resulting from the two-, ten-, or 100-year storm, as applicable, is governed by tidal flooding from the Atlantic Ocean. Flooding in a tidal flood hazard area may be contributed to, or influenced by, stormwater runoff from inland areas, but the depth of flooding generated by the tidal rise and fall of the Atlantic Ocean is greater than flooding from any fluvial sources. In some situations, depending upon the extent of the storm surge from a particular storm event, a flood hazard area may be tidal in the 100-year storm, but fluvial in more frequent storm events.~~

URBAN COORDINATING COUNCIL EMPOWERMENT NEIGHBORHOOD

A neighborhood given priority access to State resources through the New Jersey Redevelopment Authority.

URBAN ENTERPRISE ZONES

A zone designated by the New Jersey Enterprise Zone Authority pursuant to the New Jersey Urban Enterprise Zones Act, N.J.S.A. 52:27H-60 et seq.

URBAN REDEVELOPMENT AREA

Previously developed portions of areas:

- A. Delineated on the State Plan Policy Map (SPPM) as the Metropolitan Planning Area (PA1), Designated Centers, Cores or Nodes;
- B. Designated as CAFRA Centers, Cores or Nodes;
- C. Designated as Urban Enterprise Zones; and
- D. Designated as Urban Coordinating Council Empowerment Neighborhoods.

WATER CONTROL STRUCTURE

A structure within, or adjacent to, a water, which intentionally or coincidentally alters the hydraulic capacity, the flood elevation resulting from the two-, ten-, or 100-year storm, flood hazard area limit, and/or floodway limit of the water. Examples of a water control structure may include a bridge, culvert, dam, embankment, ford (if above grade), retaining wall, and weir.

WATERS OF THE STATE

The ocean and its estuaries, all springs, streams, wetlands, and bodies of surface or groundwater, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

WETLANDS or WETLAND

An area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

§ 25-1-3. Design and Performance Standards for Stormwater Management Measures.

- A. Stormwater management measures for major development shall be designed to provide erosion control, groundwater recharge, stormwater runoff quantity control, and stormwater runoff quality treatment as follows:
 - (1) The minimum standards for erosion control are those established under the Soil and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules at N.J.A.C. 2:90.
 - (2) The minimum standards for groundwater recharge, stormwater quality, and stormwater runoff quantity shall be met by incorporating green infrastructure.
- B. The standards in this chapter apply only to new major development and are intended to minimize the impact of stormwater runoff on water quality and water quantity in receiving water bodies and maintain groundwater recharge. The standards do not apply to new major development to the extent that alternative design and performance standards are applicable under a regional stormwater management plan or Water Quality Management Plan adopted in accordance with Department rules.

~~*Note: Alternative standards shall provide at least as much protection from stormwater-related loss of groundwater recharge, stormwater quantity and water quality impacts of major development projects as would be provided under the standards in N.J.A.C. 7:8-5.*~~

§ 25-1-4. Stormwater Management Requirements for Major Development.

- A. The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with § 25-1-10.
- B. Stormwater management measures shall avoid adverse impacts of concentrated flow on habitat for threatened and endangered species as documented in the Department's Landscape Project or Natural Heritage Database established under N.J.S.A. 13:1B-15.147 through 15.150, particularly *Helonias bullata* (swamp pink) and/or *Clemmys muhlenbergii* (bog turtle).
- C. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of § 25-1-4P, Q and R.
 - (1) The construction of an underground utility line provided that the disturbed areas are revegetated upon completion;
 - (2) The construction of an aboveground utility line provided that the existing conditions are maintained to the maximum extent practicable; and
 - (3) The construction of a public pedestrian access, such as a sidewalk or trail with a maximum width of 14 feet, provided that the access is made of permeable material.

- D. A waiver from strict compliance from the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of § **25-1-4O**, P, Q and R may be obtained for the enlargement of an existing public roadway or railroad; or the construction or enlargement of a public pedestrian access, provided that the following conditions are met:
- (1) The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;
 - (2) The applicant demonstrates through an alternatives analysis, that through the use of stormwater management measures, the option selected complies with the requirements of § **25-1-4O**, P, Q and R to the maximum extent practicable;
 - (3) The applicant demonstrates that, in order to meet the requirements of § **25-1-4O**, P, Q and R, existing structures currently in use, such as homes and buildings, would need to be condemned; and
 - (4) The applicant demonstrates that it does not own or have other rights to areas, including the potential to obtain through condemnation lands not falling under § **25-1-4D(3)** above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of § **25-1-4O**, P, Q and R that were not achievable on site.
- E. Tables 1 through 3 below summarize the ability of stormwater best management practices identified and described in the New Jersey Stormwater Best Management Practices Manual to satisfy the green infrastructure, groundwater recharge, stormwater runoff quality and stormwater runoff quantity standards specified in § **25-1-4O**, P, Q and R. When designed in accordance with the most current version of the New Jersey Stormwater Best Management Practices Manual, the stormwater management measures found at N.J.A.C. 7:8-5.2(f) Tables 5-1, 5-2 and 5-3 and listed below in Tables 1, 2 and 3 are presumed to be capable of providing stormwater controls for the design and performance standards as outlined in the tables below. Upon amendments of the New Jersey Stormwater Best Management Practices to reflect additions or deletions of BMPs meeting these standards, or changes in the presumed performance of BMPs designed in accordance with the New Jersey Stormwater BMP Manual, the Department shall publish in the New Jersey Registers a notice of administrative change revising the applicable table. The most current version of the BMP Manual can be found on the Department's website at: https://njstormwater.org/bmp_manual2.htm <https://dep.nj.gov/stormwater/bmp-manual/>.
- F. Where the BMP tables in the NJ Stormwater Management Rule are different due to updates or amendments with the tables in this chapter, the BMP Tables in the Stormwater Management rule at N.J.A.C. 7:8-5.2(f) shall take precedence.

Table 1
Green Infrastructure BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or Stormwater Runoff Quantity

Best Management Practice	Stormwater Runoff Quality TSS Removal Rate (percent)	Stormwater Runoff Quantity	Groundwater Recharge	Minimum Separation from Seasonal High Water Table (feet)
Cistern	0	Yes	No	—
Dry Well ^(a)	0	No	Yes	2
Grass Swale	50 or less	No	No	2 ^(e) 1 ^(f)
Green Roof	0	Yes	No	—
Manufactured Treatment Device ^(a) ^(g)	50 or 80	No	No	Dependent upon the device
Pervious Paving System ^(a)	80	Yes	Yes ^(b) No ^(c)	2 ^(b) 1 ^(c)
Small-Scale Bioretention Basin ^(a)	80 or 90	Yes	Yes ^(b) No ^(c)	2 ^(b) 1 ^(c)
Small-Scale Infiltration Basin ^(a)	80	Yes	Yes	2
Small-scale sand filter	80	Yes	Yes	2
Vegetative Filter Strip	60-80	No	No	—

(Notes corresponding to annotations (a) through (g) are found below Table 3)

Table 2
Green Infrastructure BMPs for Stormwater Runoff Quantity
(or for Groundwater Recharge and/or Stormwater Runoff Quality with a Waiver or Variance from N.J.A.C. 7:8-5.3)

Best Management Practice	Stormwater Runoff Quality TSS Removal Rate (percent)	Stormwater Runoff Quantity	Groundwater Recharge	Minimum Separation from Seasonal High Water Table (feet)
Bioretention System	80 or 90	Yes	Yes ^(b) No ^(c)	2 ^(b) 1 ^(c)
Infiltration Basin	80	Yes	Yes	2
Sand Filter ^(b)	80	Yes	Yes	2
Standard Constructed Wetland	90	Yes	No	N/A
Wet Pond ^(d)	50-90	Yes	No	N/A

(Notes corresponding to annotations (b) through (d) are found below Table 3)

Table 3 BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or Stormwater Runoff Quantity only with a Waiver or Variance from N.J.A.C. 7:8-5.3				
Best Management Practice	Stormwater Runoff Quality TSS Removal Rate (percent)	Stormwater Runoff Quantity	Groundwater Recharge	Minimum Separation from Seasonal High Water Table (feet)
Blue Roof	0	Yes	No	N/A
Extended Detention Basin	40-60	Yes	No	1
Manufactured Treatment Device ^(h)	50 or 80	No	No	Dependent upon the device
Sand Filter ^(c)	80	Yes	No	1
Subsurface Gravel Wetland	90	No	No	1
Wet Pond	50-90	Yes	No	N/A

Notes to Tables 1, 2 and 3:

- (a) Subject to the applicable contributory drainage area limitation specified at § **25-1-40(2)**;
- (b) Designed to infiltrate into the subsoil;
- (c) Designed with underdrains;
- (d) Designed to maintain at least a ten-foot-wide area of native vegetation along at least 50% of the shoreline and to include a stormwater runoff retention component designed to capture stormwater runoff for beneficial reuse, such as irrigation;
- (e) Designed with a slope of less than 2%;
- (f) Designed with a slope of equal to or greater than 2%;
- (g) Manufactured treatment devices that meet the definition of green infrastructure at § **25-1-2**;
- (h) Manufactured treatment devices that do not meet the definition of green infrastructure at § **25-1-2**.

G. An alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate may be used if the design engineer demonstrates the capability of the proposed alternative stormwater management measure and/or the validity of the alternative rate or method to the municipality. A copy of any approved alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate shall be provided to the Department in accordance with § **25-1-6B**. Alternative stormwater management measures may be used to satisfy the requirements at § **25-1-40** only if the measures meet the definition of green infrastructure at § **25-1-2**. Alternative

stormwater management measures that function in a similar manner to a BMP listed at Subsection **O(2)** are subject to the contributory drainage area limitation specified at Subsection **O(2)** for that similarly functioning BMP. Alternative stormwater management measures approved in accordance with this subsection that do not function in a similar manner to any BMP listed at Subsection **O(2)** shall have a contributory drainage area less than or equal to 2.5 acres, except for alternative stormwater management measures that function similarly to cisterns, grass swales, green roofs, standard constructed wetlands, vegetative filter strips, and wet ponds, which are not subject to a contributory drainage area limitation. Alternative measures that function similarly to standard constructed wetlands or wet ponds shall not be used for compliance with the stormwater runoff quality standard unless a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with § **25-1-4D** is granted from Subsection **O(2)**.

- H. Whenever the stormwater management design includes one or more BMPs that will infiltrate stormwater into subsoil, the design engineer shall assess the hydraulic impact on the groundwater table and design the site, so as to avoid adverse hydraulic impacts. Potential adverse hydraulic impacts include, but are not limited to, exacerbating a naturally or seasonally high water table, so as to cause surficial ponding, flooding of basements, or interference with the proper operation of subsurface sewage disposal systems or other subsurface structures within the zone of influence of the groundwater mound, or interference with the proper functioning of the stormwater management measure itself.
- I. Design standards for stormwater management measures are as follows:
- (1) Stormwater management measures shall be designed to take into account the existing site conditions, including, but not limited to, environmentally critical areas; wetlands; flood-prone areas; slopes; depth to seasonal high water table; soil type, permeability, and texture; drainage area and drainage patterns; and the presence of solution-prone carbonate rocks (limestone);
 - (2) Stormwater management measures shall be designed to minimize maintenance, facilitate maintenance and repairs, and ensure proper functioning. Trash racks shall be installed at the intake to the outlet structure, as appropriate, and shall have parallel bars with one-inch spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the parallel bars at the outlet structure shall be spaced no greater than one-third the width of the diameter of the orifice or one-third the width of the weir, with a minimum spacing between bars of one inch and a maximum spacing between bars of six inches. In addition, the design of trash racks must comply with the requirements of § **25-1-8C**;
 - (3) Stormwater management measures shall be designed, constructed, and installed to be strong, durable, and corrosion resistant. Measures that are consistent with the relevant portions of the Residential Site Improvement Standards at N.J.A.C. 5:21-7.3, 7.4, and 7.5 shall be deemed to meet this requirement;
 - (4) Stormwater management BMPs shall be designed to meet the minimum safety standards for stormwater management BMPs at § **25-1-8**; and
 - (5) The size of the orifice at the intake to the outlet from the stormwater management BMP shall be a minimum of 2 1/2 inches in diameter.

- J. Manufactured treatment devices may be used to meet the requirements of this subchapter, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department. Manufactured treatment devices that do not meet the definition of green infrastructure at § 25-1-2 may be used only under the circumstances described at § 25-1-40(4).
- K. Any application for a new agricultural development that meets the definition of major development at § 25-1-2 shall be submitted to the Soil Conservation District for review and approval in accordance with the requirements at § 25-1-40, P, Q and R and any applicable Soil Conservation District guidelines for stormwater runoff quantity and erosion control. For purposes of this subsection, "agricultural development" means land uses normally associated with the production of food, fiber, and livestock for sale. Such uses do not include the development of land for the processing or sale of food and the manufacture of agriculturally related products.
- L. If there is more than one drainage area, the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at § 25-1-40, P, Q and R shall be met in each drainage area, unless the runoff from the drainage areas converge ~~on-site~~ onsite and no adverse environmental impact would occur as a result of compliance with any one or more of the individual standards being determined utilizing a weighted average of the results achieved for that individual standard across the affected drainage areas.
- M. Any stormwater management measure authorized under the municipal stormwater management plan or ordinance shall be reflected in a deed notice recorded in the Office of the Mercer County's ~~Office of the County~~ Clerk. A form of deed notice shall be submitted to the municipality for approval prior to filing. The deed notice shall contain a description of the stormwater management measure(s) used to meet the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at § 25-1-40, P, Q and R and shall identify the location of the stormwater management measure(s) in NAD 1983 State Plane New Jersey FIPS 2900 US ~~f~~Eet or Latitude and Longitude in decimal degrees. The deed notice shall also reference the maintenance plan required to be recorded upon the deed pursuant to § 25-1-10B(5). Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality. Proof that the required information has been recorded on the deed shall be in the form of either a copy of the complete recorded document or a receipt from the clerk or other proof of recordation provided by the recording office. However, if the initial proof provided to the municipality is not a copy of the complete recorded document, a copy of the complete recorded document shall be provided to the municipality within 180 calendar days of the authorization granted by the municipality.
- N. A stormwater management measure approved under the municipal stormwater management plan or ordinance may be altered or replaced with the approval of the municipality, if the municipality determines that the proposed alteration or replacement meets the design and performance standards pursuant to § 25-1-4 of this chapter and provides the same level of stormwater management as the previously approved stormwater management measure that is being altered or replaced. If an alteration or replacement is approved, a revised deed notice shall be submitted to the municipality for approval and subsequently recorded with the Office of the Mercer County's ~~Office of the County~~ Clerk and shall contain a description and location of the stormwater management measure, as well as reference to the maintenance plan, in accordance with M above. Prior to the commencement of construction, proof that the above

required deed notice has been filed shall be submitted to the municipality in accordance with **M** above.

O. Green Infrastructure Standards.

- (1) This subsection specifies the types of green infrastructure BMPs that may be used to satisfy the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards.
- (2) To satisfy the groundwater recharge and stormwater runoff quality standards at § **25-1-4P** and **Q**, the design engineer shall utilize green infrastructure BMPs identified in Table 1 at § **25-1-4F** and/or an alternative stormwater management measure approved in accordance with § **25-1-4G**. The following green infrastructure BMPs are subject to the following maximum contributory drainage area limitations:

Best Management Practice	Maximum Contributory Drainage Area
Dry Well	1 acre
Manufactured Treatment Device	2.5 acres
Pervious Pavement Systems	Area of additional inflow cannot exceed 3 times the area occupied by the BMP
Small-scale Bioretention Systems	2.5 acres
Small-scale Infiltration Basin	2.5 acres
Small-scale Sand Filter	2.5 acres

- (3) To satisfy the stormwater runoff quantity standards at § **25-1-4R**, the design engineer shall utilize BMPs from Table 1 or from Table 2 and/or an alternative stormwater management measure approved in accordance with § **25-1-4G**.
- (4) If a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with § **25-1-4D** is granted from the requirements of this subsection, then BMPs from Table 1, 2, or 3, and/or an alternative stormwater management measure approved in accordance with § **25-1-4G** may be used to meet the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at § **25-1-4P**, **Q** and **R**.
- (5) For separate or combined storm sewer improvement projects, such as sewer separation, undertaken by a government agency or public utility (for example, a sewerage company), the requirements of this subsection shall only apply to areas owned in fee simple by the government agency or utility, and areas within a right-of-way or easement held or controlled by the government agency or utility; the entity shall not be required to obtain additional property or property rights to fully satisfy the requirements of this subsection. Regardless of the amount of area of a separate or combined storm sewer improvement project subject to the green infrastructure requirements of this subsection, each project shall fully comply with the applicable groundwater recharge, stormwater runoff quality control, and stormwater runoff quantity standards at § **25-1-4P**, **Q** and **R**, unless the project is granted a waiver from strict compliance in accordance with § **25-1-4D**.

P. Groundwater Recharge Standards.

- (1) This subsection contains the minimum design and performance standards for groundwater recharge as follows:

- (2) The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at § **25-1-5**, either:
 - (a) Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain 100% of the average annual pre-construction groundwater recharge volume for the site; or
 - (b) Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the two-year storm, as defined and determined pursuant to § 25-1-5D is infiltrated.
- (3) This groundwater recharge requirement does not apply to projects within the "urban redevelopment area," or to projects subject to Subsection **P(4)** below.
- (4) The following types of stormwater shall not be recharged:
 - (a) Stormwater from areas of high pollutant loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied, areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than "reportable quantities" as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.4; areas where recharge would be inconsistent with Department approved remedial action work plan approved pursuant to the Administrative Requirements for the Remediation of Contained Sites rules, N.J.A.C. 7:26C, or Department landfill closure plan and areas; and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and
 - (b) Industrial stormwater exposed to "source material." "Source material" means any material(s) or machinery, located at an industrial facility, that is directly or indirectly related to process, manufacturing or other industrial activities, which could be a source of pollutants in any industrial stormwater discharge to groundwater. Source materials include, but are not limited to, raw materials; intermediate products; final products; waste materials; by-products; industrial machinery and fuels, and lubricants, solvents, and detergents that are related to process, manufacturing, or other industrial activities that are exposed to stormwater.

Q. Stormwater Runoff Quality Standards.

- (1) This subsection contains the minimum design and performance standards to control stormwater runoff quality impacts of major development. Stormwater runoff quality standards are applicable when the major development results in an increase of one-quarter acre or more of regulated motor vehicle surface.
- (2) Stormwater management measures shall be designed to reduce the post-construction load of total suspended solids (TSS) in stormwater runoff generated from the water quality design storm as follows:
 - (a) Eighty percent TSS removal of the anticipated load, expressed as an annual average shall be achieved for the stormwater runoff from the net increase of motor vehicle surface.

- (b) If the surface is considered regulated motor vehicle surface because the water quality treatment for an area of motor vehicle surface that is currently receiving water quality treatment either by vegetation or soil, by an existing stormwater management measure, or by treatment at a wastewater treatment plant is to be modified or removed, the project shall maintain or increase the existing TSS removal of the anticipated load expressed as an annual average.
- (3) The requirement to reduce TSS does not apply to any stormwater runoff in a discharge regulated under a numeric effluent limitation for TSS imposed under the New Jersey Pollutant Discharge Elimination System (NJPDES) rules, N.J.A.C. 7:14A, or in a discharge specifically exempt under a NJPDES permit from this requirement. Every major development, including any that discharge into a combined sewer system, shall comply with ~~two~~ (2) above, unless the major development is itself subject to a NJPDES permit with a numeric effluent limitation for TSS or the NJPDES permit to which the major development is subject exempts the development from a numeric effluent limitation for TSS.
- (4) The water quality design storm is 1.25 inches of rainfall in two hours. Water quality calculations shall take into account the distribution of rain from the water quality design storm, as reflected in Table 4, below. The calculation of the volume of runoff may take into account the implementation of stormwater management measures.

Time (Minutes)	Cumulative Rainfall (Inches)	Time (Minutes)	Cumulative Rainfall (Inches)	Time (Minutes)	Cumulative Rainfall (Inches)
1	0.00166	41	0.1728	81	1.0906
2	0.00332	42	0.1796	82	1.0972
3	0.00498	43	0.1864	83	1.1038
4	0.00664	44	0.1932	84	1.1104
5	0.00830	45	0.2000	85	1.1170
6	0.00996	46	0.2117	86	1.1236
7	0.01162	47	0.2233	87	1.1302
8	0.01328	48	0.2350	88	1.1368
9	0.01494	49	0.2466	89	1.1434
10	0.01660	50	0.2583	90	1.1500
11	0.01828	51	0.2783	91	1.1550
12	0.01996	52	0.2983	92	1.1600
13	0.02164	53	0.3183	93	1.1650
14	0.02332	54	0.3383	94	1.1700
15	0.02500	55	0.3583	95	1.1750
16	0.03000	56	0.4116	96	1.1800
17	0.03500	57	0.4650	97	1.1850
18	0.04000	58	0.5183	98	1.1900
19	0.04500	59	0.5717	99	1.1950
20	0.05000	60	0.6250	100	1.2000
21	0.05500	61	0.6783	101	1.2050

Table 4 - Water Quality Design Storm Distribution

Time (Minutes)	Cumulative Rainfall (Inches)	Time (Minutes)	Cumulative Rainfall (Inches)	Time (Minutes)	Cumulative Rainfall (Inches)
22	0.06000	62	0.7317	102	1.2100
23	0.06500	63	0.7850	103	1.2150
24	0.07000	64	0.8384	104	1.2200
25	0.07500	65	0.8917	105	1.2250
26	0.08000	66	0.9117	106	1.2267
27	0.08500	67	0.9317	107	1.2284
28	0.09000	68	0.9517	108	1.2300
29	0.09500	69	0.9717	109	1.2317
30	0.10000	70	0.9917	110	1.2334
31	0.10660	71	1.0034	111	1.2351
32	0.11320	72	1.0150	112	1.2367
33	0.11980	73	1.0267	113	1.2384
34	0.12640	74	1.0383	114	1.2400
35	0.13300	75	1.0500	115	1.2417
36	0.13960	76	1.0568	116	1.2434
37	0.14620	77	1.0636	117	1.2450
38	0.15280	78	1.0704	118	1.2467
39	0.15940	79	1.0772	119	1.2483
40	0.16600	80	1.0840	120	1.2500

- (5) If more than one BMP in series is necessary to achieve the required 80% TSS reduction for a site, the applicant shall utilize the following formula to calculate TSS reduction:

$$R = A + B - (A \times B)/100$$

Where:

R = total TSS Percent Load Removal from application of both BMPs,

A = the TSS Percent Removal Rate applicable to the first BMP, and

B = the TSS Percent Removal Rate applicable to the second BMP.

- (6) Stormwater management measures shall also be designed to reduce, to the maximum extent feasible, the post-construction nutrient load of the anticipated load from the developed site in stormwater runoff generated from the water quality design storm. In achieving reduction of nutrients to the maximum extent feasible, the design of the site shall include green infrastructure BMPs that optimize nutrient removal while still achieving the performance standards in § 25-1-4P, Q and R.
- (7) In accordance with the definition of FW1 at N.J.A.C. 7:9B-1.4, stormwater management measures shall be designed to prevent any increase in stormwater runoff to waters classified as FW1.

- (8) The Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-4.1(c)1 establish 300-foot riparian zones along Category One waters, as designated in the Surface Water Quality Standards at N.J.A.C. 7:9B, and certain upstream tributaries to Category One waters. A person shall not undertake a major development that is located within or discharges into a 300-foot riparian zone without prior authorization from the Department under N.J.A.C. 7:13.
- (9) Pursuant to the Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-11.2(j)3.i, runoff from the water quality design storm that is discharged within a 300-foot riparian zone shall be treated in accordance with this subsection to reduce the post-construction load of total suspended solids by 95% of the anticipated load from the developed site, expressed as an annual average.
- (10) ~~This~~ The stormwater runoff quality standards do not apply to the construction of one individual single-family dwelling, provided that it is not part of a larger development or subdivision that has received preliminary or final site plan approval prior to December 3, 2018, and that the motor vehicle surfaces are made of permeable material(s) such as gravel, dirt, and/or shells.

R. Stormwater Runoff Quantity Standards.

- (1) This subsection contains the minimum design and performance standards to control stormwater runoff quantity impacts of major development.
- (2) In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at § **25-1-5**, complete one of the following:
 - (a) Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the current and projected ~~two~~2-, ~~ten~~10-, and 100-year storm events, as defined and determined in § 25-1-5C and D, respectively, do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;
 - (b) Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the pre-construction condition, in the peak runoff rates of stormwater leaving the site for the current and projected ~~two~~2-, ~~ten~~10-, and 100-year storm events, as defined and determined pursuant to § 25-1-5C and D, respectively, and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site. This analysis shall include the analysis of impacts of existing land uses and projected land uses assuming full development under existing zoning and land use ordinances in the drainage area;
 - (c) Design stormwater management measures so that the post-construction peak runoff rates for the current and projected ~~two~~2-, ~~ten~~10-, and 100-year storm events, as defined and determined in § 25-1-5C and D, respectively, are 50, 75 and 80%, respectively, of the pre-construction peak runoff rates. The percentages apply only to the post-construction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed; or

(d) In tidal flood hazard areas, stormwater runoff quantity analysis in accordance with (2)(a)(b) and (c) above is required unless the design engineer demonstrates through hydrologic and hydraulic analysis that the increased volume, change in timing, or increased rate of the stormwater runoff, or any combination of the three will not result in additional flood damage below the point of discharge of the major development. No analysis is required if the stormwater is discharged directly into any ocean, bay, inlet, or the reach of any watercourse between its confluence with an ocean, bay, or inlet and downstream of the first water control structure.

- (3) The stormwater runoff quantity standards shall be applied at the site's boundary to each abutting lot, roadway, watercourse, or receiving storm sewer system.

§ 25-1-5. Calculation of Stormwater Runoff and Groundwater Recharge.

A. Stormwater runoff shall be calculated in accordance with the following:

- (1) The design engineer shall calculate runoff using ~~one of~~ the following methods:

~~(a)~~ The USDA Natural Resources Conservation Service (NRCS) methodology, including the NRCS Runoff Equation and Dimensionless Unit Hydrograph, as described in Chapters 7, 9, 10, 15 and 16 Part 630, *Hydrology National Engineering Handbook*, incorporated herein by reference as amended and supplemented. This methodology is additionally described in Technical Release 55 - *Urban Hydrology for Small Watersheds* (TR-55), dated June 1986, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the Natural Resources Conservation Service website at: ~~https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1044171.pdf~~ <https://directives.sc.egov.usda.gov/viewerFS.aspx?hid=21422> or at United States Department of Agriculture Natural Resources Conservation Service, 220 Davison Avenue, Somerset, New Jersey 08873. ~~;~~ ~~or~~

~~(b) The Rational Method for peak flow and the Modified Rational Method for hydrograph computations. The rational and modified rational methods are described in "Appendix A-9 Modified Rational Method" in the Standards for Soil Erosion and Sediment Control in New Jersey, January 2014. This document is available from the State Soil Conservation Committee or any of the Soil Conservation Districts listed at N.J.A.C. 2:90-1.3(a)3. The location, address, and telephone number for each Soil Conservation District is available from the State Soil Conservation Committee, PO Box 330, Trenton, New Jersey 08625. The document is also available at: <http://www.nj.gov/agriculture/divisions/anr/pdf/2014NJSoilErosionControlStandardsComplete.pdf>.~~

- (2) For the purpose of calculating ~~runoff coefficients~~ curve numbers and groundwater recharge, there is a presumption that the pre-construction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term "~~runoff coefficient~~ curve number" applies to ~~both~~ the NRCS methodology above at § 25-1-5A(1)(a) ~~and the Rational and Modified Rational Methods at § 25-1-5A(1)(b).~~ A ~~runoff coefficient~~ curve number or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover ~~have~~ has existed on the site during the

five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).

- (3) In computing pre-construction stormwater runoff, the design engineer shall account for all significant land features and structures, such as ponds, wetlands, depressions, hedgerows, or culverts, that may reduce pre-construction stormwater runoff rates and volumes.
 - (4) In computing stormwater runoff from all design storms, the design engineer shall consider the relative stormwater runoff rates and/or volumes of pervious and impervious surfaces separately to accurately compute the rates and volume of stormwater runoff from the site. To calculate runoff from unconnected impervious cover, urban impervious area modifications as described in the NRCS Technical Release 55 - *Urban Hydrology for Small Watersheds* or other methods may be employed.
 - (5) If the invert of the outlet structure of a stormwater management measure is below the flood hazard design flood elevation as defined at N.J.A.C. 7:13, the design engineer shall take into account the effects of tailwater in the design of structural stormwater management measures.
- B. Groundwater recharge may be calculated in accordance with the following: the New Jersey Geological Survey Report GSR-32, A Method for Evaluating Groundwater-Recharge Areas in New Jersey, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the New Jersey Stormwater Best Management Practices Manual; at the New Jersey Geological Survey website at: <https://www.nj.gov/dep/njgs/pricelst/gsreport/gsr32.pdf> or at New Jersey Geological and Water Survey, 29 Arctic Parkway, PO Box 420 Mail Code 29-01, Trenton, New Jersey 08625-0420.
- C. The precipitation depths of the current 2-, 10-, and 100-year storm events shall be determined by multiplying the values determined in accordance with items (1) and (2) below:
- (1) The applicant shall utilize the National Oceanographic and Atmospheric Administration (NOAA), National Weather Service's Atlas 14 Point Precipitation Frequency Estimates: NJ, in accordance with the location(s) of the drainage area(s) of the site. This data is available at: https://hdsc.nws.noaa.gov/hdsc/pfds/pfds_map_cont.html?bkmrk=nj; and
 - (2) The applicant shall utilize Table 5: Current Precipitation Adjustment Factors below, which sets forth the applicable multiplier for the drainage area(s) of the site, in accordance with the county or counties where the drainage area(s) of the site is located. Where the major development lies in more than one county, the precipitation values shall be adjusted according to the percentage of the drainage area in each county. Alternately, separate rainfall totals can be developed for each county using the values in the table below.

Table 5: Current Precipitation Adjustment Factors

<u>Current Precipitation Adjustment Factors</u>			
<u>County</u>	<u>2-year Design Storm</u>	<u>10-year Design Storm</u>	<u>100-year Design Storm</u>
<u>Mercer</u>	<u>1.01</u>	<u>1.02</u>	<u>1.04</u>

- D. Table 6: Future Precipitation Change Factors provided below sets forth the change factors to be used in determining the projected 2-, 10-, and 100-year storm events for use in this chapter, which are organized alphabetically by county. The precipitation depth of the projected 2-, 10-, and 100-year storm events of a site shall be determined by multiplying the precipitation depth of the 2-, 10-, and 100-year storm events determined from the National Weather Service's Atlas 14 Point Precipitation Frequency Estimates pursuant to C(1) above, by the change factor in the table below, in accordance with the county or counties where the drainage area(s) of the site is located. Where the major development and/or its drainage area lies in more than one county, the precipitation values shall be adjusted according to the percentage of the drainage area in each county. Alternately, separate rainfall totals can be developed for each county using the values in the table below.

Table 6: Future Precipitation Adjustment Factors

<u>Future Precipitation Change Factors</u>			
<u>County</u>	<u>2-year Design Storm</u>	<u>10-year Design Storm</u>	<u>100-year Design Storm</u>
<u>Mercer</u>	<u>1.16</u>	<u>1.17</u>	<u>1.36</u>

§ 25-1-6. Sources for Technical Guidance.

- A. Technical guidance for stormwater management measures can be found in the documents listed below, which are available to download from the Department's website at: http://www.nj.gov/dep/stormwater/bmp_manual2.htm <https://dep.nj.gov/stormwater/bmp-manual/>.
- (1) Guidelines for stormwater management measures are contained in the New Jersey Stormwater Best Management Practices Manual, as amended and supplemented. Information is provided on stormwater management measures such as, but not limited to, those listed in Tables 1, 2, and 3.
- (2) Additional maintenance guidance is available on the Department's website at: https://www.njstormwater.org/maintenance_guidance.htm <https://dep.nj.gov/stormwater/maintenance-guidance/>.
- B. Submissions required for review by the Department should be mailed to: The Division of ~~Water~~ Quality Watershed Protection and Restoration, New Jersey Department of Environmental Protection, Mail Code ~~401-02B~~ 501-02A, PO Box 420, Trenton, New Jersey 08625-0420.

§ 25-1-7. Solids and Floatable Materials Control Standards.

- A. Site design features identified under § 25-1-4F above, or alternative designs in accordance with § 25-1-4G above, to prevent discharge of trash and debris from drainage systems shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means

sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see § **25-1-7A(2)** below.

(1) Design engineers shall use one of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:

- (a) The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines; or
- (b) A different grate, if each individual clear space in that grate has an area of no more than 7.0 square inches, or is no greater than 0.5 inch across the smallest dimension.

Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater system floors used to collect stormwater from the surface into a storm drain or surface water body.

- (c) For curb-opening inlets, including curb-opening inlets in combination inlets, the clear space in that curb opening, or each individual clear space if the curb opening has two or more clear spaces, shall have an area of no more than seven square inches, or be no greater than two inches across the smallest dimension.

(2) The standard in Subsection **A(1)** above does not apply:

- (a) Where each individual clear space in the curb opening in existing curb-opening inlet does not have an area of more than nine square inches;
- (b) Where the municipality agrees that the standards would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets;
- (c) Where flows from the water quality design storm as specified in N.J.A.C. 7:8 are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:

[1] A rectangular space 4.625 inches long and 1.5 inches wide (this option does not apply for outfall netting facilities); or

[2] A bar screen having a bar spacing of 0.5 inch.

Note that these exemptions do not authorize any infringement of requirements in the Residential Site Improvement Standards for bicycle safe grates in new residential development (N.J.A.C. 5:21-4.18(b)2 and 7.4(b)1).

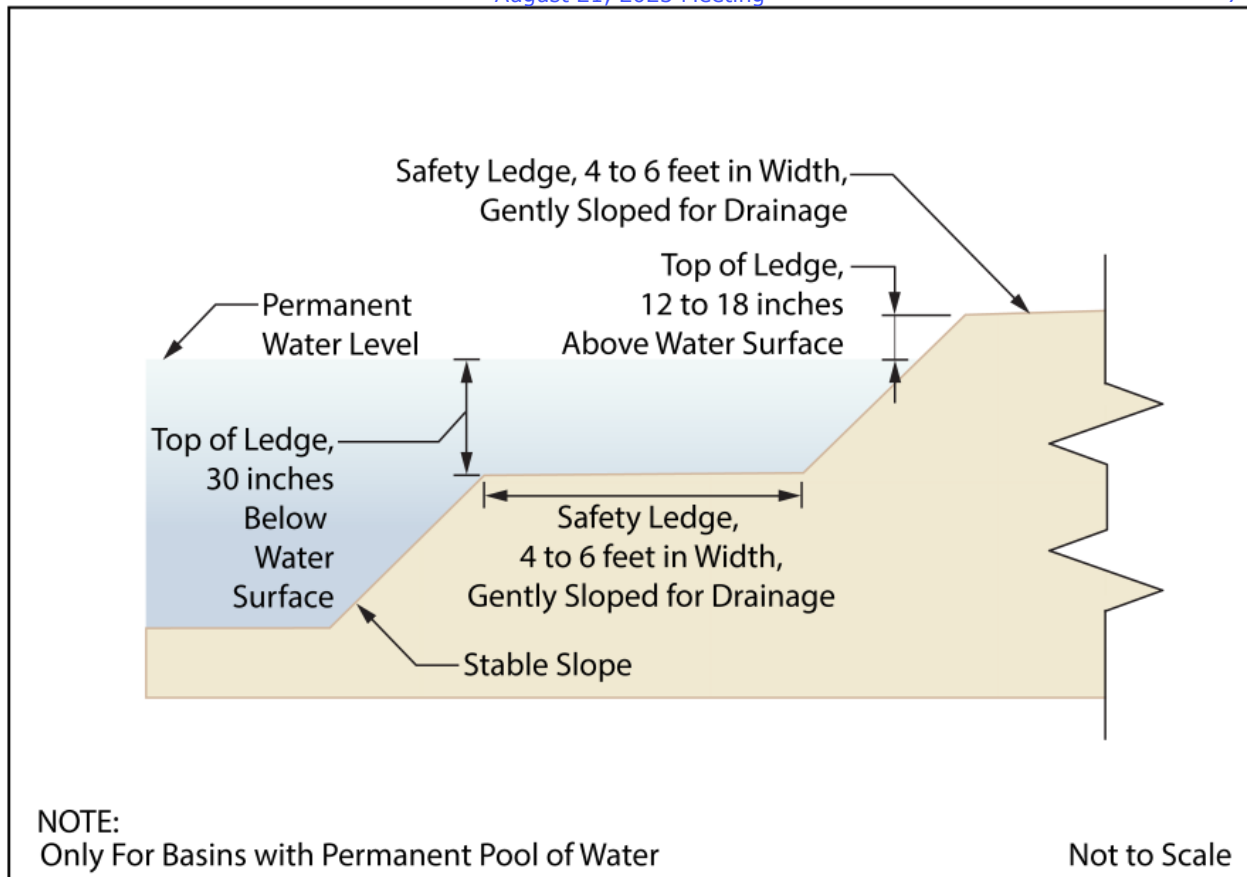
- (d) Where flows are conveyed through a trash rack that has parallel bars with one-inch spacing between the bars, to the elevation of the Water Quality Design Storm as specified in N.J.A.C. 7:8; or
- (e) Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

§ 25-1-8. Safety Standards for Stormwater Management Basins.

- A. This section sets forth requirements to protect public safety through the proper design and operation of stormwater management BMPs. This section applies to any new stormwater management BMP.
- B. The provisions of this section are not intended to preempt more stringent municipal or county safety requirements for new or existing stormwater management BMPs. Municipal and county stormwater management plans and ordinances may, pursuant to their authority, require existing stormwater management BMPs to be retrofitted to meet one or more of the safety standards in § 25-1-8C(1), (2) and (3) for trash racks, overflow grates, and escape provisions at outlet structures.
- C. Requirements for Trash Racks, Overflow Grates and Escape Provisions.
 - (1) A trash rack is a device designed to catch trash and debris and prevent the clogging of outlet structures. Trash racks shall be installed at the intake to the outlet from the Stormwater management BMP to ensure proper functioning of the BMP outlets in accordance with the following:
 - (a) The trash rack shall have parallel bars, with no greater than six-inch spacing between the bars;
 - (b) The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure;
 - (c) The average velocity of flow through a clean trash rack is not to exceed 2.5 feet per second under the full range of stage and discharge. Velocity is to be computed on the basis of the net area of opening through the rack; and
 - (d) The trash rack shall be constructed of rigid, durable, and corrosion resistant material and designed to withstand a perpendicular live loading of 300 pounds per square foot.
 - (2) An overflow grate is designed to prevent obstruction of the overflow structure. If an outlet structure has an overflow grate, such grate shall meet the following requirements:
 - (a) The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.
 - (b) The overflow grate spacing shall be no ~~less~~ greater than two inches across the smallest dimension.

- (c) The overflow grate shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 pounds per square foot.
- (3) Stormwater management BMPs shall include escape provisions as follows:
 - (a) If a stormwater management BMP has an outlet structure, escape provisions shall be incorporated in or on the structure. Escape provisions include the installation of permanent ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management BMPs. With the prior approval of the municipality pursuant to § **25-1-8C**, a free-standing outlet structure may be exempted from this requirement;
 - (b) Safety ledges shall be constructed on the slopes of all new stormwater management BMPs having a permanent pool of water deeper than 2 1/2 feet. Safety ledges shall be comprised of two steps. Each step shall be four feet to six feet in width. One step shall be located approximately 2 1/2 feet below the permanent water surface, and the second step shall be located ~~one~~ 1 to 1 1/2 feet above the permanent water surface. See § **25-1-8E** for an illustration of safety ledges in a stormwater management BMP; and
 - (c) In new stormwater management BMPs, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than three horizontal to one vertical.
- D. Variance or Exemption from Safety Standard. A variance or exemption from the safety standards for stormwater management BMPs may be granted only upon a written finding by the municipality that the variance or exemption will not constitute a threat to public safety.
- E. Safety Ledge Illustration.

Elevation View –Basin Safety Ledge Configuration



§ 25-1-9. Requirements for a Site Development Stormwater Plan.

A. Submission of Site Development Stormwater Plan.

- (1) Whenever an applicant seeks municipal approval of a development subject to this chapter, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at Subsection C below as part of the submission of the application for approval.
- (2) The applicant shall demonstrate that the project meets the standards set forth in this chapter.
- (3) The applicant shall submit ~~16~~ one (1) electronic and two (2) paper copies of the materials listed in the checklist for site development stormwater plans in accordance with Subsection C of this section.

B. Site Development Stormwater Plan Approval. The applicant's Site Development project shall be reviewed as a part of the review process by the ~~municipal board or official~~ Planning Board Engineer from which municipal approval is sought. ~~That municipal board or official~~ The Planning Board shall consult the ~~municipality's review~~ Planning Board eEngineer to determine if all of the checklist requirements have been satisfied and to determine if the project meets the standards set forth in this chapter.

C. Submission of Site Development Stormwater Plan. The following information shall be required:

- (1) Topographic Base Map. The ~~reviewing~~ Planning Board eEngineer may require upstream tributary drainage system information as necessary. It is recommended that the topographic

base map of the site be submitted which extends a minimum of 200 feet beyond the limits of the proposed development, at a scale of one inch (1") equals 200 feet (200') or greater, showing two-foot contour intervals. The map as appropriate may indicate the following: existing surface water drainage, shorelines, steep slopes, soils, erodible soils, perennial or intermittent streams that drain into or upstream of the Category One waters, wetlands and flood plains along with their appropriate buffer strips, marshlands and other wetlands, pervious or vegetative surfaces, existing man-made structures, roads, bearing and distances of property lines, and significant natural and man-made features not otherwise shown.

- (2) Environmental Site Analysis. A written and graphic description of the natural and man-made features of the site and its surroundings should be submitted. This description should include a discussion of soil conditions, slopes, wetlands, waterways and vegetation on the site. Particular attention should be given to unique, unusual, or environmentally sensitive features and to those that provide particular opportunities or constraints for development.
- (3) Project Description and Site Plans. A map (or maps) at the scale of the topographical base map indicating the location of existing and proposed buildings roads, parking areas, utilities, structural facilities for stormwater management and sediment control, and other permanent structures. The map(s) shall also clearly show areas where alterations will occur in the natural terrain and cover, including lawns and other landscaping, and seasonal high groundwater elevations. A written description of the site plan and justification for proposed changes in natural conditions shall also be provided.
- (4) Land Use Planning and Source Control Plan. This plan shall provide a demonstration of how the goals and standards of §§ 25-1-3 through 25-1-5 are being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.
- (5) Stormwater Management Facilities Map. The following information, illustrated on a map of the same scale as the topographic base map, shall be included:
 - (a) Total area to be disturbed, paved or built upon, proposed surface contours, land area to be occupied by the stormwater management facilities and the type of vegetation thereon, and details of the proposed plan to control and dispose of stormwater.
 - (b) Details of all stormwater management facility designs, during and after construction, including discharge provisions, discharge capacity for each outlet at different levels of detention and emergency spillway provisions with maximum discharge capacity of each spillway.
- (6) Calculations.
 - (a) Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in § 25-1-4 of this chapter.
 - (b) When the proposed stormwater management control measures depend on the hydrologic properties of soils or require certain separation from the seasonal high water table, then a soils report shall be submitted. The soils report shall be based on on-site boring logs or soil pit profiles. The number and location of required soil borings or soil

pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure.

(7) Maintenance and Repair Plan. The design and planning of the stormwater management facility shall meet the maintenance requirements of § **25-1-10**.

(8) Waiver from Submission Requirements. The ~~municipal official or board reviewing an application under this chapter~~ Planning Board may, in consultation with the ~~municipality's review engineer~~ Planning Board Engineer, waive submission of any of the requirements in § **25-1-9C(1)** through (6) of this chapter when it can be demonstrated that the information requested is impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process.

§ 25-1-10. Maintenance and Repair.

A. Applicability. Projects subject to review as in § **25-1-1C** of this chapter shall comply with the requirements of ~~Subsections B and C~~ § 25-1-10B and C.

B. General Maintenance.

- (1) The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development.
- (2) The maintenance plan shall contain specific preventative maintenance tasks and schedules; cost estimates, including estimated cost of sediment, debris, or trash removal; and the name, address, and telephone number of the person or persons responsible for preventative and corrective maintenance (including replacement). The plan shall contain information on BMP location, design, ownership, maintenance tasks and frequencies, and other details as specified in Chapter 8 of the NJ BMP Manual, as well as the tasks specific to the type of BMP, as described in the applicable chapter containing design specifics.
- (3) If the maintenance plan identifies a person other than the property owner (for example, a developer, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's or entity's agreement to assume this responsibility, or of the owner's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.
- (4) Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project. The individual property owner may be assigned incidental tasks, such as weeding of a green infrastructure BMP, provided the individual agrees to assume these tasks; however, the individual cannot be legally responsible for all of the maintenance required.
- (5) If the party responsible for maintenance identified under Subsection **B(3)** above is not a public agency, the maintenance plan and any future revisions based on Subsection **B(7)** below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.
- (6) Preventative and corrective maintenance shall be performed to maintain the functional parameters (storage volume, infiltration rates, inflow/outflow capacity, etc.) of the stormwater management measure, including, but not limited to, repairs or replacement to

the structure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of non-vegetated linings.

(7) The party responsible for maintenance identified under Subsection **B(3)** above shall perform all of the following requirements:

- (a) Maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance-related work orders;
- (b) Evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed; and
- (c) Retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by Subsections **B(6)** and **(7)** above.

~~(8) The requirements of Subsections **B(3)** and **(4)** do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency, subject to all applicable municipal stormwater general permit conditions, as issued by the Department.~~

~~*Note: It may be appropriate to delete requirements in the maintenance and repair plan that are not applicable if the ordinance requires the facility to be dedicated to the municipality. If the municipality does not want to take this responsibility, the ordinance should require the posting of a two-year maintenance guarantee in accordance with N.J.S.A. 40:55D-53. Maintenance and inspection guidance can be found on the Department's website at: https://www.njstormwater.org/maintenance_guidance.htm.*~~

A 2 (two) year maintenance guarantee in accordance with N.J.S.A. 40:55D-53 is required for all stormwater management facilities into a major development.

(9) In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the municipality shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have 14 days to effect maintenance and repair of the facility in a manner that is approved by the municipal engineer or his designee. The municipality, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the municipality or County may immediately proceed to do so and shall bill the cost thereof to the responsible person. Nonpayment of such bill may result in a lien on the property.

~~(10) The owner of a private stormwater facility is required to inspect the facility after each major storm event and perform any maintenance and/or repairs that may be required, in addition to routine mowing and removal and disposal of accumulated debris from the facility. The owner shall file a report with the Borough annually which provides its inspection dates (which shall be performed quarterly) and any action(s) taken to rectify any condition(s) found. The Borough shall inspect the facility once per year at the cost of \$100 to the property owner. The Borough shall also maintain a log and map to demonstrate compliance with maintenance requirements and shall document any actions taken by the~~

~~Borough to enforce compliance. If inspection reveals that maintenance has not been maintained by the owner of the stormwater facility, then the Borough Official will issue an order to correct the deficiency within 30 days. If the deficiency is not corrected within 30 days, the Borough will correct the deficiency and recover the cost under the Property Maintenance Section of the Borough Code (Article 14-12). The Borough, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause as approved by the Borough Engineer or his/her designee.~~

- C. Nothing in this subsection shall preclude the municipality in which the major development is located from requiring the posting of a performance or maintenance guarantee in accordance with N.J.S.A. 40:55D-53.

~~§ 25-11. Requirements Regarding Dumpsters and Other Refuse Containers.~~

~~A. Purpose. This section requires dumpsters and other refuse containers that are outdoors or exposed to stormwater to be covered at all times and prohibits the spilling, dumping, leaking, or other discharge of liquids, semi-liquids or solids from the containers to the municipal separate storm sewer system(s) operated by the Borough of Hightstown and/or the waters of the state so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.~~

~~B. Definitions. For the purpose of this section, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.~~

~~MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)~~

~~A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by Hightstown Borough or other public body, and is designed and used for collecting and conveying stormwater.~~

~~PERSON~~

~~Any individual, corporation, company, partnership, firm, association, or political subdivision of this state subject to municipal jurisdiction.~~

~~REFUSE CONTAINER~~

~~Any waste container that a person controls whether owned, leased, or operated, including dumpsters, trash cans, garbage pails, and plastic trash bags.~~

~~STORMWATER~~

~~Water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.~~

~~WATERS OF THE STATE~~

~~The ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.~~

~~C. Applicability.~~

- ~~(1) Any person who controls, whether owned, leased, or operated, a refuse container or dumpster must ensure that such container or dumpster is covered at all times and shall prevent refuse from spilling out or overflowing.~~
- ~~(2) Any person who owns, leases or otherwise uses a refuse container or dumpster must ensure that such container or dumpster does not leak or otherwise discharge liquids, semi liquids or solids to the municipal separate storm sewer system(s) operated by the Borough of Hightstown.~~

~~D. Exceptions.~~

- ~~(1) Permitted temporary demolition containers.~~
- ~~(2) Litter receptacles (other than dumpsters or other bulk containers).~~
- ~~(3) Individual homeowner trash and recycling containers.~~
- ~~(4) Refuse containers at facilities authorized to discharge stormwater under a valid NJPDES permit.~~
- ~~(5) Large bulky items (e.g., furniture, bound carpet and padding, white goods placed curbside for pickup).~~

~~E. Enforcement and penalties.~~

- ~~(1) This section shall be enforced by the Stormwater Management Coordinator and/or Superintendent of the Department of Public Works and/or their designee of the Borough of Hightstown.~~
- ~~(2) Any person who is found to be in violation of this section shall be subject to penalties as stated in Chapter 1, Article 1-5 of the Revised General Ordinances of the Borough of Hightstown.~~

~~[1] Editor's Note: This ordinance also redesignated former §§ 25-1-11 and 25-1-12 as §§ 25-1-12 and 25-1-13.~~

§ 25-1-1211. Penalties.

Any person(s) who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this chapter shall be subject to the following penalties: Chapter 1, Article 1-5, of the Revised General Ordinances of the Borough of Hightstown.

§ 25-1-1312. Severability.

Each section, subsection, sentence, clause and phrase of this chapter is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this chapter to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this chapter.

2. 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.
3. 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.
4. That this Ordinance shall take effect upon final passage and publication in accordance with the law.

Introduction:

Adoption:

ATTEST:

MARGARET RIGGIO
MUNICIPAL CLERK

SUSAN BLUTH
MAYOR

[illegible]

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
CRANB005	CRANBURY BUICK GMC	23-00997	08/09/23	TAHOE REPAIRS										
	1 TAHOE REPAIRS				159.00	3-01-25-260-001-034		B Vehicle Repair	R	08/09/23	08/14/23		35349	N
	Vendor Total:				159.00									
C0931	Creston Hydraulics, Inc.	23-01035	08/15/23	HOSE ASSEMBLY										
	1 INV 00221504-HOSE ASSEMBLY FOR				151.95	3-01-26-290-001-034		B Motor Vehicle Parts & Access.	R	08/15/23	08/16/23		00221504	N
	Vendor Total:				151.95									
DANIE015	DANIELLE KORTE	23-01024	08/09/23	HIGHTSTOWN THEATER SUMMER 2023										
	1 HIGHTSTOWN THEATER SUMMER 2023				1,000.00	T-12-56-286-000-885		B CULTURAL ARTS/SHAKESPEARE IN THE PARK	R	08/09/23	08/14/23		SUMMER 2023	N
	Vendor Total:				1,000.00									
DEBLO005	DEBLOCK ENVIRONMENTAL SVCS,LLC	23-00137	02/06/23	BACK UP OPERATOR FOR AWWTP			B							
	7 INV 00009643 7/31/23				500.00	3-09-55-501-002-528		B Outside Consulting Services (B	R	07/10/23	08/14/23		00009643	N
	Vendor Total:				500.00									
D0269	DENNIS SALES & SERVICE INC.	23-00861	07/13/23	SERVICE FOR CHLORINE HEAD										
	1 REPAIR/SERVICE FOR CHLORINE				295.00	3-09-55-501-001-503		B Water Plant Maintenance	R	07/13/23	08/14/23		23-4212	N
	2 INLET SEAT				48.10	3-09-55-501-001-503		B Water Plant Maintenance	R	07/13/23	08/14/23		23-4212	N
	3 SHIPPING,HANDLING,INSURANCE				32.40	3-09-55-501-001-503		B Water Plant Maintenance	R	07/13/23	08/14/23		23-4212	N
					375.50									
	Vendor Total:				375.50									
Q0176	EUROFINS QC, LLC	23-00998	08/09/23	WATER ANALYSIS										
	1 INV 6300045624-WATER ANALYSIS				1,500.00	3-09-55-501-001-532		B Outside Testing/Labs	R	08/09/23	08/14/23		6300045624	N

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		
Q0176	EUROFINS QC, LLC	Continued											
23-01008	08/09/23	WATER ANALYSIS											
1 INV	6300045923-WATER ANALYSIS	188.50	3-09-55-501-001-532		B Outside Testing/Labs	R	08/09/23	08/14/23		6300045923		N	
2 INV	6300045956-WATER ANALYSIS	197.50	3-09-55-501-001-532		B Outside Testing/Labs	R	08/09/23	08/14/23		6300045956		N	
		386.00											
23-01032	08/15/23	WATER ANALYSIS											
1 INV	6300044543-WATER ANALYSIS	277.00	3-09-55-501-001-532		B Outside Testing/Labs	R	08/15/23	08/16/23		6300044543		N	
2 INV	6300046226-WATER ANALYSIS	247.50	3-09-55-501-001-532		B Outside Testing/Labs	R	08/15/23	08/16/23		6300046226		N	
		524.50											
	Vendor Total:	2,410.50											
FERGU005	FERGUSON ENTERPRISES, LLC												
23-01009	08/09/23	WATER REPAIR/SUPPLIES											
1 INV	0641934-5FT 1 ARCH CURB BX	399.90	3-09-55-501-001-535		B Hydrants and Line Repair	R	08/09/23	08/16/23		0641934		N	
2 INV	0641934-9/16x27 CURB BOX	92.68	3-09-55-501-001-535		B Hydrants and Line Repair	R	08/09/23	08/16/23		0641934		N	
3 INV	0641934-LF BALL CURB VLV	775.84	3-09-55-501-001-535		B Hydrants and Line Repair	R	08/09/23	08/16/23		0641934		N	
		1,268.42											
	Vendor Total:	1,268.42											
FIREA005	FIRE APPARATUS REPAIR, INC.												
23-00968	08/01/23	FULL CHASSIS SVC TS-41											
1 FULL CHASSIS SVC TS-41		995.00	3-01-25-252-002-121		B Preventive Maintenance	R	08/01/23	08/14/23		17371		N	
2 FULL PUMP INSP AND SERVICE		520.00	3-01-25-252-002-121		B Preventive Maintenance	R	08/01/23	08/14/23		17371		N	
3 SQUIRT BOOM		825.00	3-01-25-252-002-121		B Preventive Maintenance	R	08/01/23	08/14/23		17371		N	
4 PTO HYD PM, OIL LEVEL, CHECK		235.00	3-01-25-252-002-121		B Preventive Maintenance	R	08/01/23	08/14/23		17371		N	
5 TRANSMISSION PM		895.00	3-01-25-252-002-121		B Preventive Maintenance	R	08/01/23	08/14/23		17371		N	
		3,470.00											
	Vendor Total:	3,470.00											
F0909	FLOWTECH, LLC												
23-00970	08/01/23	CALIBRATION PLANT FLOW METERS											
1 CALIBRATION PLANT FLOW METERS		500.00	3-09-55-501-002-518		B Service Contracts - AWWTP	R	08/01/23	08/14/23		3164		N	
	Vendor Total:	500.00											

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
H0048 HIGHTS REALTY LLC													
23-00974	08/03/23	AUGUST 2023	HPD RENT										
1	AUGUST 2023	HPD RENT	4,953.03	3-01-26-310-001-025	B Building Rental	R	08/03/23	08/14/23				AUGUST 2023	N
Vendor Total:			4,953.03										
HIGHT020 HIGHTSTOWN HIGH SCHOOL DECA													
23-01046	08/16/23	ARTS-HOSPITAL	MURAL PROJECT										
1	ARTS-HOSPITAL	MURAL PROJECT	100.00	G-02-41-761-000-000	B Mercer County Local Arts Grant	R	08/16/23	08/16/23				8/16/2023	N
Vendor Total:			100.00										
HILLW005 HILL-WALLACK, LLP													
23-01029	08/14/23	LEGAL INVOICES	JULY 2023										
1	GENERAL MATTERS		3,861.00	3-01-20-155-001-027	B General Matters	R	08/14/23	08/14/23				727141	N
2	ENGINEERING MATTERS		198.00	3-01-20-155-001-027	B General Matters	R	08/14/23	08/14/23				727142	N
3	OPRA MATTERS		33.00	3-01-20-155-001-027	B General Matters	R	08/14/23	08/14/23				727143	N
4	ORDINANCES		853.50	3-01-20-155-001-027	B General Matters	R	08/14/23	08/14/23				727144	N
5	HIGHTSTOWN ADV. PRESBYTERIAN		126.00	3-01-20-155-001-027	B General Matters	R	08/14/23	08/14/23				727145	N
6	HIGHTSTOWN-AFFORDABLE HOUSING		66.00	3-01-20-155-001-027	B General Matters	R	08/14/23	08/14/23				727146	N
7	HIGHTSTOWN-RIGHT-OF-WAY		75.00	3-01-20-155-001-027	B General Matters	R	08/14/23	08/14/23				727147	N
8	LITIGATION MATTERS		132.00	3-01-20-155-001-033	B Litigation	R	08/14/23	08/14/23				727148	N
9	TAX APPEAL-HIGHSTOWN ADV.		27.00	3-01-20-150-001-196	B Tax Appeals	R	08/14/23	08/14/23				727150	N
			5,371.50										
23-01030	08/14/23	Prof. services through 7/31/23											
1	Corres, revise & rev ordinance		420.00	2022-06	P 480 MERCER STREET WAREHOUSE	R	08/14/23	08/14/23				727149	N
Vendor Total:			5,791.50										
H1100 HOME DEPOT CREDIT SERVICES													
23-01033	08/15/23	PARTS/SUPPLIES											
1	INV 3612180-CONCRETE MIX		23.40	3-01-28-369-001-140	B Landscape Maintenance	R	08/15/23	08/16/23				3612180	N
2	INV 9525404-CONSTRUCTION SCREW		49.98	3-01-26-310-001-024	B Building Maintenance	R	08/15/23	08/16/23				9525404	N

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
L0210	LARRY GUNNELL												
		23-01017	08/09/23	REIMBURSE WATER 8/2/23									
		1		REIMBURSE WATER 8/2/23	31.92	3-01-28-370-002-021	B RECREATION SUMMER PROGRAM	R	08/09/23	08/14/23		8/2/23	N
				Vendor Total:	31.92								
LAURE010	LAUREN KRIEGER												
		23-01023	08/09/23	HIGHTSTOWN THEATER SUMMER 2023									
		1		HIGHTSTOWN THEATER SUMMER 2023	600.00	T-12-56-286-000-885	B CULTURAL ARTS/SHAKESPEARE IN THE PARK	R	08/09/23	08/14/23		SUMMER 2023	N
				Vendor Total:	600.00								
LINDS005	LINDSEY STEFAN												
		23-00978	08/07/23	HIGHTSTOWN THEATER SUMMER 2023									
		1		HIGHTSTOWN THEATER SUMMER 2023	1,000.00	G-02-41-761-000-000	B Mercer County Local Arts Grant	R	08/07/23	08/14/23		SUMMER 2023	N
				Vendor Total:	1,000.00								
M1076	MCMANIMON, SCOTLAND & BAUMANN												
		23-00950	07/27/23	Services through 6/30/2023									
		1		Corres RE: Municipal Bldg sale	487.50	3PRCLLC	P Site Plan Application #2020-01	R	07/27/23	08/14/23		209711	N
				Vendor Total:	487.50								
M0256	MERCER CO IMPROVEMENT AUTH												
		23-01000	08/09/23	JULY 2023 TIPPING									
		1		JULY 2023 TIPPING	15,811.47	3-01-32-465-001-165	B Landfill Solid Waste Disposal-MCIA	R	08/09/23	08/14/23		JULY 2023	N
		2		JULY 2023 RECYCLING TAX	443.31	3-01-43-496-001-174	B Recycling Tax	R	08/09/23	08/14/23		JULY 2023	N
					16,254.78								
				Vendor Total:	16,254.78								
M0664	MERCER COUNTY CHIEF'S ASSOC.												
		23-01019	08/09/23	ANNUAL MEMBERSHIP 2023									
		1		ANNUAL MEMBERSHIP 2023	275.00	3-01-25-240-001-044	B Professional Assoc. Dues	R	08/09/23	08/14/23		2023	N
				Vendor Total:	275.00								

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
M0053	MES - PENNSYLVANIA													
	23-01015	08/09/23	SCBA REPAIR INV	IN1913930										
	1	SCBA REPAIR INV	IN1913930		696.16	3-01-25-252-002-056		B Fire & Other Safety Equipment	R	08/09/23	08/14/23		IN1913930	N
				Vendor Total:	696.16									
M0536	MGL PRINTING SOLUTIONS													
	23-00898	07/20/23	WATER BILLS											
	1	WATER BILLS			655.00	3-09-55-501-001-522		B Printing & Stationary	R	07/20/23	08/14/23		199295	N
	2	WATER BILLS			53.00	3-09-55-501-001-522		B Printing & Stationary	R	07/20/23	08/14/23		199295	N
					708.00									
				Vendor Total:	708.00									
M0127	MONMOUTH COUNTY													
	23-01020	08/09/23	JULY 2023 ROOSEVELT TIPPING											
	1	JULY 2023 ROOSEVELT TIPPING			2,118.59	3-01-43-513-001-171		B Borough of Roosevelt-Tipping Fees	R	08/09/23	08/14/23		JULY 2023	N
				Vendor Total:	2,118.59									
N0070	NATW													
	23-00627	05/16/23	NATIONAL NIGHT OUT BANNERS											
	1	NATIONAL NIGHT OUT BANNERS			275.00	3-01-25-240-001-119		B Community Policing	R	05/16/23	08/14/23		14019	N
	2	NATIONAL NIGHT OUT BANNERS			240.00	3-01-25-240-001-119		B Community Policing	R	05/16/23	08/14/23		14019	N
	3	NATIONAL NIGHT OUT BANNERS			36.00	3-01-25-240-001-119		B Community Policing	R	05/16/23	08/14/23		14019	N
	4	NATIONAL NIGHT OUT BANNERS			26.00	3-01-25-240-001-119		B Community Policing	R	05/16/23	08/14/23		14019	N
	5	NATIONAL NIGHT OUT BANNERS			134.00	3-01-25-240-001-119		B Community Policing	R	05/16/23	08/14/23		14019	N
	6	NATIONAL NIGHT OUT BANNERS			69.00	3-01-25-240-001-119		B Community Policing	R	05/16/23	08/14/23		14019	N
					780.00									
				Vendor Total:	780.00									
PACEA005	PACE ANALYTICAL SERVICES, LLC													
	23-00910	07/25/23	OUTSIDE LAB TESTING											
	1	INV #227-109-110			432.48	2-09-55-501-002-532		B Outside Lab Testing	R	07/25/23	08/14/23		227109110	N
	2	INV #227-109-526			114.48	2-09-55-501-002-532		B Outside Lab Testing	R	07/25/23	08/14/23		227109256	N
	3	INVOICE 227-109-527			111.30	2-09-55-501-002-532		B Outside Lab Testing	R	07/25/23	08/14/23		227109-257	N
	4	INV #227-109-264			375.24	2-09-55-501-002-532		B Outside Lab Testing	R	07/25/23	08/14/23		227109264	N

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
				Item Description									Excl
S0375	STEVENSON SUPPLY CO.												
		23-01041	08/15/23	PVC									
		1 INV	668075-PIPE 4	PVC SEWER;	669.37	3-09-55-501-001-535	B Hydrants and Line Repair	R	08/15/23	08/16/23		668075	N
				Vendor Total:	669.37								
R0537	STITCHES N INK												
		23-00912	07/25/23	QUOTE #20729									
		1 RE-BURN	SCREEN, 1-TIME	COST	15.00	3-09-55-501-002-507	B Uniforms & Safety Equipment	R	07/25/23	08/14/23		20729	N
		2 ATHLETIC	HEATHER PORT &		316.80	3-09-55-501-002-507	B Uniforms & Safety Equipment	R	07/25/23	08/14/23		20729	N
					331.80								
				Vendor Total:	331.80								
TELCO005	TELCO BILL CENTER INC.												
		23-01012	08/09/23	POTSOLVE RECURRING CHARGES									
		1 POTSOLVE	RECURRING CHARGES		401.25	3-01-31-440-001-085	B Telephone-Block Line Systems, LLC LSI	R	08/09/23	08/14/23		2178	N
				Vendor Total:	401.25								
TOWNS010	TOWNSHIP OF MANALAPAN												
		23-01011	08/09/23	ANIMAL CONTROL 3RD QTR 2023									
		1 ANIMAL	CONTROL 3RD QTR 2023		4,500.00	3-01-43-512-001-161	B Animal Control Services	R	08/09/23	08/14/23		2023-H3	N
				Vendor Total:	4,500.00								
T0060	TOWNSHIP OF ROBBINSVILLE												
		23-00956	08/01/23	COURT SHARVED SVCS QTR 2ND									
		1 2ND QTR 2023	SALARIES		29,652.31	3-01-20-176-000-199	B Miscellaneous	R	08/01/23	08/14/23		QTR 2 2023	N
		2 2ND QTR 2023	PROSECUTOR		5,580.00	3-01-20-176-000-199	B Miscellaneous	R	08/01/23	08/14/23		QTR 2 2023	N
		3 2ND QTR 2023	PUBLIC DEFENDER		1,979.50	3-01-20-176-000-199	B Miscellaneous	R	08/01/23	08/14/23		QTR 2 2023	N
		4 2ND QTR 2023	PUBLIC DEFENDER		720.50	T-17-56-286-000-837	B RESERVE-PUBLIC DEFENDER	R	08/01/23	08/14/23		QTR 2 2023	N
		5 2ND QTR 2023	USE OF FACILITIES		18,000.00	3-01-26-310-001-025	B Building Rental	R	08/01/23	08/14/23		QTR 2 2023	N
		6 2ND QTR 23	ADMINISTRATIVE FEE		3,000.00	3-01-20-176-000-199	B Miscellaneous	R	08/01/23	08/14/23		QTR 2 2023	N
		7 2ND QTR 2023	POSTAGE		511.80	3-01-20-176-000-022	B Postage and Express Charges	R	08/01/23	08/14/23		QTR 2 2023	N
		8 2ND QTR 2023	LANGUAGE LINE		544.05	3-01-20-176-000-111	B Interpretor/Outside Help	R	08/01/23	08/14/23		QTR 2 2023	N

Vendor #	Name	PO #	PO Date	Description	Contract	PO Type	Stat/Chk	First	Rcvd	Chk/Void	1099	
Item	Description	Amount	Charge	Account	Acct Type	Description	Enc	Date	Date	Date	Invoice	Excl
T0060 TOWNSHIP OF ROBBINSVILLE Continued												
23-00956	08/01/23 COURT SHARVED SVCS QTR 2ND			Continued								
9	2ND QTR 2023 EQUIPMENT &	1,185.31		3-01-20-176-000-111	B	Interpretor/Outside Help	R	08/01/23	08/14/23		QTR 2 2023	N
		61,173.47										
	Vendor Total:	61,173.47										
T0130 TRIANGLE COPY/												
23-00943	07/26/23 HPD BUSINESS CARDS											
1	HPD BUSINESS CARDS	1,045.00		3-01-25-240-001-036	B	Office Supplies & Equipment	R	07/26/23	08/14/23		27113EW	N
	Vendor Total:	1,045.00										
TYLER005 TYLER TECHNOLOGIES, INC.												
23-00994	08/09/23 MOBILE EYES ON BOARD											
1	MOBILE EYES ON BOARD CODES	82.95		3-01-25-256-002-094	B	Computer Service,Support & Software	R	08/09/23	08/14/23		025-431001	N
2	MOBILE EYES ON BOARD	2,746.80		3-01-25-256-002-094	B	Computer Service,Support & Software	R	08/09/23	08/14/23		025-431001	N
		2,829.75										
	Vendor Total:	2,829.75										
U0007 UNIVAR USA INC												
23-00111	02/01/23 RES 2022-209 LIME HI-CALC WTP			B								
9	INV51291766 7/7/23 LIMEHICALC	4,375.00		3-09-55-501-001-527	B	Calcium Hydroxide - Lime	R	06/26/23	08/16/23		51291766	N
10	INV51370822 8/7/23 LIMEHICALC	2,625.00		3-09-55-501-001-527	B	Calcium Hydroxide - Lime	R	07/13/23	08/16/23		51370822	N
		7,000.00										
23-00112	02/01/23 RES 2022-209 LIMEHI-CALC AWWTP			B								
4	INV51075531 4/14/23 LIMEHICALC	1,750.00		3-09-55-501-002-553	B	Calcium Hydroxide (Lime)	R	03/17/23	08/16/23		51075531	N
6	INV99212166 6/7/23 LIMEHICALC	1,750.00		3-09-55-501-002-553	B	Calcium Hydroxide (Lime)	R	05/25/23	08/16/23		99212166	N
7	INV99212161 6/7/23 LIMEHICALC	1,750.00		3-09-55-501-002-553	B	Calcium Hydroxide (Lime)	R	06/12/23	08/16/23		99212161	N
8	INV99212161 6/7/23 LIMEHICALC	1,750.00		3-09-55-501-002-553	B	Calcium Hydroxide (Lime)	R	06/12/23	08/16/23		99212161	N
9	INV51278267 6/30/23 LIMEHICALC	1,750.00		3-09-55-501-002-553	B	Calcium Hydroxide (Lime)	R	06/12/23	08/16/23		51278267	N
		5,250.00										
	Vendor Total:	12,250.00										

Vendor #	Name	PO #	PO Date	Description	Amount	Contract	PO Type	Acct Type	Description	Stat/Chk	First	Rcvd	Chk/Void	Invoice	1099
Item	Description					Charge	Account				Enc	Date	Date	Date	Excl
U0144 UPS															
23-01034	08/15/23	INV	0000161Y33303	HPD PICK UP											
1	INV	0000161Y33303	HPD PICK UP		9.12	3-01-25-240-001-199		B	Miscellaneous	R	08/15/23	08/17/23		0000161Y33303	N
23-01038	08/15/23	INV	0000161Y33313	HPD SFMOBILE											
1	INV	0000161Y33313	HPD SFMOBILE		23.03	3-01-25-240-001-199		B	Miscellaneous	R	08/15/23	08/17/23		0000161Y33313	N
Vendor Total:					32.15										
VIKIN005 VIKING TERMITE & PEST CONTROL															
23-00917	07/25/23	JUNE AND JULY 2023	PEST SERV												
1	INV	430141744	JUNE 156 BANK ST		20.00	3-01-26-310-001-029		B	Maintenance Contracts	R	07/25/23	08/14/23		430141744	N
2	INV	430141751	JUNE 417 MERCER		20.00	3-01-26-310-001-029		B	Maintenance Contracts	R	07/25/23	08/14/23		430141751	N
3	INV	430143499	JULY 417 MERCER		20.00	3-01-26-310-001-029		B	Maintenance Contracts	R	07/25/23	08/14/23		430143499	N
4	INV	430143490	JULY 156 BANK ST		20.00	3-01-26-310-001-029		B	Maintenance Contracts	R	07/25/23	08/14/23		430143490	N
					80.00										
Vendor Total:					80.00										
W0071 WASTE MGMT OF NEW JERSEY, INC.															
23-00147	02/08/23	DUMPSTER RES2020-136	T07/31/23				B								
34	INV	3145442-0502-9	8/1/23		1,455.73	3-01-26-305-001-029		B	Contract-Dumpsters	R	02/08/23	08/16/23		3145442-0502-9	N
35	INV	3145442-0502-9	8/1/23		597.40	3-01-26-305-001-029		B	Contract-Dumpsters	R	08/10/23	08/16/23		3145442-0502-9	N
36	INV	3145443-0502-7	8/1/23		272.65	3-01-26-305-001-029		B	Contract-Dumpsters	R	08/10/23	08/16/23		3145443-0502-7	N
37	INV	3145441-0502-1	8/1/23		545.90	3-01-26-305-001-029		B	Contract-Dumpsters	R	08/10/23	08/16/23		3145441-0502-1	N
38	INV	3145441-0502-1	8/1/23		363.59	3-01-26-305-001-029		B	Contract-Dumpsters	R	08/10/23	08/16/23		3145441-0502-1	N
					3,235.27										
Vendor Total:					3,235.27										
W0005 WEB OUTBACK															
23-01014	08/09/23	PORTABLE RESTROOM	PARKS & REC												
1	PORTABLE RESTROOM	PARKS & REC		305.00	T-12-56-286-000-876		B	PARKS & RECREATION/ TRIATHLON	R	08/09/23	08/14/23		83636		N
2	PORTABLE RESTROOM	PARKS & REC		305.00	T-12-56-286-000-876		B	PARKS & RECREATION/ TRIATHLON	R	08/09/23	08/14/23		84595		N
					610.00										
Vendor Total:					610.00										

Total Purchase Orders:	61	Total P.O. Line Items:	132	Total List Amount:	156,518.48	Total Void Amount:	0.00
------------------------	----	------------------------	-----	--------------------	------------	--------------------	------

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	1,146.38	0.00	1,146.38	0.00	0.00	0.00	1,146.38
	2-09	1,868.50	0.00	1,868.50	0.00	0.00	0.00	1,868.50
Year Total:		3,014.88	0.00	3,014.88	0.00	0.00	0.00	3,014.88
CURRENT FUND	3-01	114,336.98	0.00	114,336.98	0.00	0.00	0.00	114,336.98
	3-09	25,578.62	0.00	25,578.62	0.00	0.00	0.00	25,578.62
	3-21	0.00	0.00	0.00	0.00	0.00	907.50	907.50
Year Total:		139,915.60	0.00	139,915.60	0.00	0.00	907.50	140,823.10
WATER/SEWER CAPITAL	C-08	7,250.00	0.00	7,250.00	0.00	0.00	0.00	7,250.00
	G-02	1,100.00	0.00	1,100.00	0.00	0.00	0.00	1,100.00
TRUST OTHER - FUND #12	T-12	3,610.00	0.00	3,610.00	0.00	0.00	0.00	3,610.00
PUBLIC DEFENDER TRUST FUND-#17	T-17	720.50	0.00	720.50	0.00	0.00	0.00	720.50
Year Total:		4,330.50	0.00	4,330.50	0.00	0.00	0.00	4,330.50
Total of All Funds:		155,610.98	0.00	155,610.98	0.00	0.00	907.50	156,518.48

Project Description	Project No.	Rcvd Total	Held Total	Project Total
480 MERCER STREET WAREHOUSE	2022-06	420.00	0.00	420.00
Site Plan Application #2020-01	3PRCLLC	487.50	0.00	487.50
Total Of All Projects:		907.50	0.00	907.50

Date: August 21, 2023

To: Mayor and Council

From: Finance Office

Re: Manual Bill List for 8/21/23

<u>CURRENT ACCOUNT</u>	<u>DATE ISSUED</u>	<u>PO #</u>	<u>CHECK #</u>	<u>Amount</u>
PICTURE SHOW ENT.	8/4/2023	23-00973	35817	\$ 417.78
PICTURE SHOW ENT.	8/7/2023	23-00986	35818	\$ 23.58
STATEWIDE INSURANCE FUND	8/7/2023	23-00988	35819	\$ 15,000.00
JANINE M. KRUPA	8/8/2023	23-00990	35887	\$ 2,364.82
PICTURE SHOW ENT.	8/9/2023	23-01026	35888	\$ 347.33
BOROUGH OF WEST WILDWOOD	8/14/2023	23-01028	35889	\$ 19,364.88
T-MOBILE	8/14/2023	23-00979	35897	\$ 61.60
VERIZON	8/14/2023	23-00984	35896	\$ 384.18
JCP&L (STREET LIGHTING)	8/14/2023	23-00993	35895	\$ 34.93
JCP&L	8/14/2023	23-00980	35894	\$ 1,352.55
AT & T MOBILITY	8/14/2023	23-00987	35892	\$ 699.44
COMCAST BUSINESS	8/14/2023	23-00991	35890	\$ 306.17
BANK OF AMERICA	8/15/2023	23-01027	35899	\$ 6,093.39
JCP&L	8/15/2023	23-00992	35900	\$ 1,479.62
EAST WINDSOR REGIONAL SCHOOL	8/16/2023	23-00976	1581	\$ 917,835.00
STATE OF N.J.-DEPT OF TREASURY	8/16/2023	23-00989	1582	\$ 51,223.18
COMCAST BUSINESS	8/17/2023	23-01045	35901	\$ 175.35

TOTAL	\$ 1,017,163.80
--------------	------------------------

<u>WATER AND SEWER OPERATING</u>	<u>DATE ISSUED</u>	<u>PO #</u>	<u>CHECK #</u>	<u>Amount</u>
JCP&L (STREET LIGHTING)	8/14/2023	23-00993	35895	\$ 52.76
JCP&L	8/14/2023	23-00980	35894	\$ 31.15
JCP&L	8/14/2023	23-00985	35893	\$ 21,162.84
AT & T MOBILITY	8/14/2023	23-00987	35892	\$ 126.40
COMCAST BUSINESS	8/14/2023	23-00983	35891	\$ 118.17
BANK OF AMERICA	8/15/2023	23-01027	35899	\$ 3,757.97
JCP&L	8/15/2023	23-00992	35900	\$ 158.24
STATE OF N.J.-DEPT OF TREASURY	8/16/2023	23-00989	1401	\$ 24,598.83
TOTAL				\$ 50,006.36

TOTAL	\$ -
--------------	-------------

TOTAL	\$ -
--------------	-------------

TOTAL	\$ -
--------------	-------------

TOTAL	\$ -
--------------	-------------

TOTAL	\$ -
--------------	-------------

TOTAL	\$ -
--------------	-------------

TOTAL	\$ -
--------------	-------------

TOTAL	\$ -
--------------	-------------

TOTAL	\$ 53,866.17
--------------	---------------------

TOTAL	\$ -
--------------	-------------

MANUAL TOTAL	\$1,121,036.33
---------------------	-----------------------

Resolution 2023-160

*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 \$1,277,554.81 from the following accounts:

	Current		\$1,132,647.16
	W/S Operating		77,453.48
	General Capital		53,866.17
	Water/Sewer Capital		7,250.00
	Grant		1,100.00
	Trust		3,610.00
	Unemployment Trust		0.00
	Animal Control		0.00
	Law Enforcement Trust		0.00
	Tax Lien Trust		0.00
	Housing Trust		0.00
	Public Defender Trust		720.50
	Escrow		<u>907.50</u>
	Total		<u><u>\$1,277,554.81</u></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 August 21, 2023.

Margaret Riggio
Borough Clerk

Resolution 2023-161

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

AUTHORIZING THE REFUND OF AN OVERPAYMENT FOR A TAXI REGISTRATION

WHEREAS, pursuant to Article 4-21-4 of the Revised General Ordinances of the Borough of Hightstown, Black Cab and Limousine Corp. holds an annual taxi license and is required to register additional vehicles from time to time; and

WHEREAS, on June 19, 2023, Black Cab and Limousine Corp. submitted an application for a 2013 Toyota Prius, VIN: JTDKN3DU5648225 along with the applicable fee of \$100.00; and

WHEREAS, on July 19, 2023, Black Cab and Limousine Corp. submitted a duplicate application for a 2013 Toyota Prius, VIN: JTDKN3DU5648225 along with the applicable fee of \$100.00; and

WHEREAS, the Administrative Assistant of the Police Department has requested that said duplicate payment be refunded in the amount of \$100.00.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Deputy CFO is authorized to issue a refund in the amount of \$100.00 to Black Cab and Limousine, 510 Route 130, Suite B, 3B, East Windsor, NJ 08520, 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 August 21, 2023.

Margaret Riggio
Borough Clerk

Resolution 2023-162

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

**AUTHORIZING PAYMENT NO. 8 FINAL AND CHANGE ORDER NO. 3 FINAL –
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 Change Order No. 3 in the amount of \$24,000 which accounts for supplement item no. 6 for rust repair and painting at the First Avenue Water Tank which was approved by Borough Council in December, 2022; and

WHEREAS, the contractor has submitted a request for payment No. 8 Final in the amount of \$33,554.00; and

WHEREAS, the Borough Engineer has recommended the contract be accepted, closed out and final payment be made to Allied Painting, Inc. in the amount of \$33,554.00 subject to the approval of the closeout documents by the Borough Attorney.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that Change Order No. 3 and Payment Request No. 8, Final to Allied Painting, Inc., of Cherry Hill New Jersey for \$33,554.00, are 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 August 21, 2023.

Margaret Riggio
Borough Clerk



MEMORANDUM

TO: Mayor and Council
Borough of Hightstown

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

DATE: August 4, 2023

RE: Water Tank Painting and Repairs at First Avenue,
Leshin Lane, and Cranbury Station Road
Payment No. 8 & Final
Our File No.: H1678

Attached please find the following in reference to Payment No. 8 & Final which releases retainage and Change Order No. 3 Final which accounts for supplemental item no. 6 for rust repair and painting at the Frist Avenue Water Tank. The rust was not visible from the ground or during the tank inspection that took place in 2018.

Punch list items are completed. The project may be accepted and closed out.

Enclosed, please find the closeout documents as follows:

1. Two-year Maintenance Bond
2. Consent of Surety to Final Payment
3. Acknowledgement of Contract
4. Contractor's Affidavit and Release
5. Contractor's Release

The original contract amount bid for this project was \$427,300.00 and was increased to a final contract amount of \$501,700.00 (17%). Although the change order is being submitted for final execution with this recommendation for closeout, the additional work was authorized by the Borough in December 2022.

Please have the Mayor sign all copies of the change order and return to this office for final submission to the NJDEP.

I recommend that the contract be closed out and final payment be made to Allied Painting, Inc. in the amount of \$33,554.00, subject to review and approval of the closeout documents by the Borough Attorney.

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

cc: Dimitri Musing, Borough Administrator
Peggy Riggio, RMC, CMR, Borough Clerk
George Lang, Borough CFO
James Cannon, Allied Painting, Inc.
Ana Jimenez, Allied Painting, Inc.
Christina White, Allied Painting, Inc.
Cameron Corini, PE, CME, Roberts Engineering Group, LLC
Kelly Pham, EIT, Roberts Engineering Group, LLC



PAYMENT No. 8
WATER TANK PAINTING AND REPAIRS AT FIRST AVENUE,
LESHIN LANE, AND CRANBURY STATION ROAD
Borough of Hightstown, Mercer County, New Jersey
July 21, 2023
File No.: H1678

Item No.	Description	Contract Quantity	Units	Total As-Built Quantity	As-Built This Period	Unit Price	Total Cost
1	Mobilization	LS	1.00	1.00	0.00	\$15,000.00	\$15,000.00
2	Project Video and Photographs	LS	1.00	1.00	0.00	\$3,500.00	\$3,500.00
3	Water Tank Improvements - First Avenue	LS	1.00	1.00	0.00	\$99,200.00	\$99,200.00
4	Water Tank Improvements - Leshin Lane	LS	1.00	1.00	0.00	\$187,600.00	\$187,600.00
5	Water Tank Improvements - Cranbury Station Road	LS	1.00	1.00	0.00	\$112,000.00	\$112,000.00
6	Cleaning and Restoration	LS	1.00	1.00	0.00	\$10,000.00	\$10,000.00
S-1	Power Washing Cranbury Station Road Water Tank	LS	1.00	1.00	0.00	\$7,800.00	\$7,800.00
S-2	Cranbury Station Road Paint Touchups and Rust Repair	LS	1.00	1.00	0.00	\$5,100.00	\$5,100.00
S-3	Leshin Lane Cathodic Protection	LS	1.00	1.00	0.00	\$40,000.00	\$40,000.00
S-4	Ladder Credit - First Avenue	UNIT	1.00	1.00	0.00	-\$500.00	-\$500.00
S-5	Ladder Credit - Leshin Lane	UNIT	2.00	2.00	0.00	-\$1,000.00	-\$2,000.00
S-6	First Avenue - Exerior Rust Repair and Painting	LS	1.00	1.00	1.00	\$24,000.00	\$24,000.00
TOTAL WORK COMPLETED							\$501,700.00
LESS: RETAINAGE		2%					\$0.00
SUBTOTAL							\$501,700.00
LESS: PREVIOUS PAYMENTS							\$468,146.00
TOTAL AMOUNT DUE							\$33,554.00
AMOUNT OF ORIGINAL CONTRACT							\$427,300.00
AMOUNT OF ORIGINAL CONTRACT ADJUSTED BY CHANGE ORDER NOS. 1, 2, & 3 Final (17%)							\$501,700.00

CCS-002

CONTRACT MODIFICATION PROPOSAL AND ACCEPTANCE

1. ISSUING OFFICE Borough of Hightstown	2. PROJECT NO. 1104001-009	3. CONTRACT NO. 1	4. MODIFICATION NO. 3 FINAL
5. TO (CONTRACTOR) Allied Painting, Inc.		6. PROJECT LOCATION AND DESCRIPTION Water Tank Painting and Repairs at First Avenue, Leshin Lane, and Cranbury Station Road	

7. A proposal is required for making the hereinafter described change in accordance with specification and drawing revisions cited herein or listed in attachment hereto. Submit your proposal in space indicated on page 2, attach detailed breakdown of prime and sub-contract costs (See the clause of this contract entitled, "Changes". DO NOT start work under this proposed change until you receive a copy signed by the Contracting Officer or a directive to proceed).

8-1-23

Date

Carmela Roberts, P.E., Borough Engineer

Type Name and Title

Carmela Roberts

Signature

8. DESCRIPTION OF CHANGE: Pursuant to the clause of this contract covering changes, the contractor shall furnish all labor and material, and all work necessary to accomplish the following described work:

This change order extends the contract time by 275 calendar days and adds one (1) supplemental pay item as described below:

The extension of time is a result of additional improvements requested by the Borough which were weather sensitive. As a result, the Contractor had to demobilize during cold-weather months and remobilize in Spring 2023 to complete the painting improvements. The construction completion date is July 21, 2023.

Supplemental Item No. 6 – First Avenue Water Tank Exterior Rust Repair and Painting. During exterior cleaning of the tank in accordance with the bid documents, the Contractor found rust at the bottom of the bowl. This rust was not visible from the ground or during the tank inspection that took place in 2018.

As a result of the above, the contract price is revised as follows:

ITEM NO.	ITEM DESCRIPTION	ESTIMATED QUANTITY	UNIT PRICE	TOTAL COST
DEDUCTS			TOTAL DEDUCT	\$0
EXTRAS			TOTAL EXTRA	\$0
SUPP.				
S-6	First Avenue – Exterior Rust Repair and Painting	1.00 LS	\$24,000.00	\$24,000.00
			TOTAL SUPPLEMENTAL	\$24,000.00

TOTAL COST OF THIS MODIFICATION \$24,000.00 (Increase)

The contract time is hereby: increase ☒ decrease ☐ or remains the same ☐ by 275 calendar days as a result of this modification.

The foregoing modification is hereby accepted:

<i>Ana Maria Jimenez</i> CONTRACTOR	OWNER	(NJPE SEAL)	<i>Carmela Roberts</i> ENGINEER
BY: <i>Ana Maria Jimenez</i>	BY: Mayor Susan Bluth	BY: Carmela Roberts, PE, CME	
DATE: 7/24/2023	DATE:	DATE: 8-1-23	

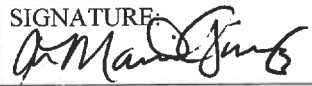
APPROVAL:

STATE OF NEW JERSEY

DATE

CCS-002

CONTRACT MODIFICATION PROPOSAL AND ACCEPTANCE

9. ISSUING OFFICE Borough of Hightstown	10. PROJECT NO. 1104001-009	11. CONTRACT NO. 1	12. MODIFICATION NO. 3 FINAL
13. CONTRACTOR'S PROPOSAL – Change in Contract Price and Extension of Time (Detailed breakdown, attach additional sheets as necessary)			
<p>(Proposed)</p> <p>Please refer to attached memos and invoices from contractor detailing supplemental line items</p>			
NET INCREASE <u>\$24,000.00</u>	NET DECREASE <u>\$ 0</u>	CALENDER DAYS INCREASE <u>275</u> DAYS	
DATE: <u>7/24/2023</u>	TYPE NAME AND TITLE: <u>Ana Maria Jimenez, Controller</u>	SIGNATURE: 	

CONTRACT MODIFICATION PROPOSAL AND ACCEPTANCE

14. ISSUING OFFICE & PROJECT NO. Borough of Hightstown, 1104001-009	15. CONTRACT NO. 1	16. MODIFICATION NO. 3 and FINAL
17. ORIGINAL CONTRACT BID PRICE \$ 427,300.00 TOTAL OF PREVIOUS CHANGE ORDERS \$ 50,400.00 TOTAL CONTRACT COST INCLUDING CHANGE ORDERS ... \$ 501,700.00		
18. NECESSITY FOR CHANGE AND REASON FOR OMISSION FROM PLANS AND SPECIFICATIONS: <p>During exterior cleaning of the elevated water tank, the exterior surface at the bottom of the bowl was found to have significant amounts of rust which was not visible from the ground or during the 2018 tank inspection. As the rust was not visible during the design phase, it was not addressed in the bid documents.</p> <p>However, as cleaning progressed, it became obvious that the rust needed to be removed and the area repainted to protect the surface.</p>		
19. OTHER IMPACTS RESULTANT OF THIS CHANGE: None.		
20. RESUME OF NEGOTIATIONS OR RECOMMENDATIONS (Loanee's Representative) : <p>Negotiations between Allied Painting, Inc. and Roberts Engineering Group were conducted throughout the duration of construction. Roberts Engineering Group reviewed the scope with Allied Painting, Inc. and determined two potential alternatives: (1) repair the rust and touch-up the paint; or (2) repair the rust and paint the entire bottom of the bowl. Option #1 was quoted at \$16,000 and option #2 was quoted at \$24,000. The increased cost would allow for a more complete paint repair and would provide additional protection to the elevated tank. Therefore, it was approved by the Borough in December 2022.</p> <p>See attached backup documentation.</p>		
DATE: <div style="font-size: 1.2em; color: blue;">8.1.23</div>	TYPE NAME AND TITLE OF LOANEE'S REPRESENTATIVE: Carmela Roberts, P.E. Borough Engineer	SIGNATURE:

Resolution 2023-163

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

AUTHORIZING PAYMENT ON BEHALF OF PARTICIPANTS IN THE BOROUGH OF HIGHTSTOWN LENGTH OF SERVICE AWARD PROGRAM (LOSAP)

WHEREAS, the Borough of Hightstown instituted a Length of Service Award Program (LOSAP) with the adoption of Ordinance 1999-20 on August 2, 1999 and its subsequent approval by referendum at the November 1999 general election; and

WHEREAS, said LOSAP became effective January 1, 2000; and

WHEREAS, in accordance with *N.J.S.A. 40A:14-191*, the Hightstown First Aid Squad and Hightstown Engine Co. No. 1 have submitted certified listings of all volunteer members who qualified for credit under the LOSAP program for the year 2022; and

WHEREAS, certain volunteers are also eligible to redeem amounts “banked” during prior years of qualified service; and

WHEREAS, the listing of all employees who qualified for credit under the LOSAP program during 2021 and/or are eligible to redeem amounts banked during prior years of qualified service is attached hereto as Schedule “A”; and

WHEREAS, *N.J.A.C. 5:30-14.10* requires that these listings be approved by Resolution of the governing body;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the certified listings set forth on the attached Schedule A of volunteer members of the Hightstown First Aid Squad and Hightstown Engine Co. No. 1 who qualified for credit under the LOSAP program for the year 2021 are hereby approved, and the Borough Administrator is directed to take all steps necessary to provide payment on their behalf to Lincoln Financial Group in accordance with the provisions and requirements of *N.J.S.A. 40A:14-191* and *N.J.A.C. 5:30-14.1 et seq*; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be provided to the Hightstown First Aid Squad and Hightstown Engine Co. No. 1; and

BE IT FURTHER RESOLVED that, in accordance with *N.J.S.A. 40A:14-192*, copies of the approved listings shall be posted for a period of not less than 30 days in the Borough Clerk’s office, at the Hightstown Firehouse and at the Hightstown First Aid Squad building.

CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on August 21, 2023.

Margaret Riggio
Borough Clerk

Schedule “A” – Page 1 of 1

The following volunteers qualified by points earned during the year 2022 for credit in the Borough of Hightstown Length of Service Awards Program (LOSAP), AND/OR are eligible to redeem amounts “banked” during prior years of qualified service. Points were earned in accordance with the point system established in Ordinance 1999-20 and certified by the Fire Chief and First Aid Squad President. Total allowable contribution for each year of qualified service is \$750.00. Total allowable payment into fund on behalf of any one volunteer in any one year, including current year contribution, buyback of prior year service and/or redemption of amounts banked during prior years of qualified service, is \$1,150.00.

Hightstown Engine Co. No. 1

Bennett, Ryan
Brink, Kevin
Derr, Donald
Derr, Stephanie
Evers, Gary
Frank, Austin
Krakowski, Scott
Madonia, Mark
Miller, Emily
Mntalvan, Jimmy
Reed, Chad
Rivera, J
Seip, Alexandria
Seip, Joseph
Szlezak, P
Ward, Cynthia
Weisel, A
Zajdel, Jakub

Hightstown First Aid Squad

Curran, Jessica
Gibbons, Colleen
Lecorchick, William
Shakelly, Sidhanth
Stackhouse, Keith
Sukhadia, Sneah

Resolution 2023-164

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

RESOLUTION AUTHORIZING THE BOROUGH TO ACCEPT TITLE TO AN AMBULANCE TO BE UTILIZED BY THE HIGHTSTOWN FIRST AID SQUAD, INC.

WHEREAS, the Hightstown First Aid Squad, Inc. (the “First Aid Squad”), which is a charitable non-profit organization in the State of New Jersey, has acquired the title to a 2009 Ford E450 Ambulance, bearing VIN #1FDXE45P39DA66315 (the “vehicle”), which it wishes to utilize as an additional ambulance to provide EMS services to the residents of the Borough of Hightstown (the “Borough”); and

WHEREAS, the vehicle was donated to the First Aid Squad by the Roosevelt Borough First Aid Squad, Roosevelt, New Jersey, and has approximately 21,845 miles on it; and

WHEREAS, the First Aid Squad has requested that the vehicle be added to the Borough’s insurance policy; and

WHEREAS, in order for the Borough to insure the vehicle, the vehicle must be under the record ownership of the Borough; and

WHEREAS, the Borough and the First Aid Squad (collectively, the “Parties”) have agreed to transfer the title of the vehicle to the Borough so that it may be added to the Borough’s insurance policy from this point forward; and

WHEREAS, this transfer of title shall be undertaken for nominal consideration; and

WHEREAS, the Parties have agreed that the First Aid Squad shall reserve the right to regain ownership of the vehicle from the Borough at any time, in the sole discretion of the First Aid Squad; and

WHEREAS, should the First Aid Squad choose to regain ownership of the vehicle, then the Borough shall return the title to the vehicle to the First Aid Squad and shall cease to insure the vehicle under the Borough’s insurance policy; at that point, the First Aid Squad shall be solely responsible for the cost of insuring the said vehicle.

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

1. That the Borough is hereby authorized to accept the title to and ownership of the vehicle so that the vehicle may be insured by the Borough. Said title transfer shall be effectuated for nominal consideration.
2. That, once the title to the vehicle has been transferred to the Borough, the Borough shall add the vehicle to its insurance policy through the Statewide Insurance Fund.
3. That the First Aid Squad shall reserve the right to regain ownership of the vehicle from the Borough at any time, per the First Aid Squad's discretion. Should the First Aid Squad choose to regain ownership of the vehicle, then the Borough shall return the title to the vehicle to the First Aid Squad and shall cease to insure the vehicle. The First Aid Squad shall then be solely responsible for the cost of insuring the said vehicle from that point forward.
4. That the Borough Administrator is hereby authorized to execute any and all documents, and to perform any and all actions, that are necessary in order to effectuate the intentions of the within Resolution.
5. That a certified copy of this Resolution shall be provided to each of the following:
 - a. Hightstown First Aid Squad, Inc.;
 - b. Statewide Insurance Fund;
 - c. Wayne F. Deitz, CEO, D&H Alternative Risk Solutions, Inc.;
 - d. Dimitri Musing, Borough Administrator;
 - e. George Lang, Chief Financial Officer; and
 - f. Frederick C. Raffetto, Esq., Borough Attorney.

CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on August 21, 2023.

Margaret Riggio
Borough Clerk

Resolution 2023-165

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

WAIVING THE PARK USE PERMIT APPLICATION FEE FOR BETHELIGHT FOUNDATION

WHEREAS, the BeTheLight Foundation is a non-profit organization that focuses on the mental health of young people; and

WHEREAS, the BeTheLight Foundation is planning to host a Music Festival and will be submitting a park use permit application for Association Park; and

WHEREAS, pursuant to the Revised Ordinances of the Borough of Hightstown Article 9-1-4(2) there is a \$25.00 fee associated with the application; and

WHEREAS, given the resources that the BeTheLight Foundation provides to the youth of Hightstown Borough, Borough Council would like to waive the application fee associated with the park use permit; and

WHEREAS, all other requirements for the issuance of the park use permit for this event shall remain in effect; and,

WHEREAS, any requirements established in the Revised General Ordinances of the Borough of Hightstown for additional permits and fees associated with the proposed event shall remain in effect.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Hightstown, that the park use permit application fee for the 2023 Music Festival sponsored by the BeTheLight Foundation, shall be waived, but all other requirements associated with the issuance of said license shall be applicable. Additionally, any additional permits and fees associated with the proposed event shall be applicable.

CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on August 21, 2023.

Margaret Riggio
Borough Clerk

Resolution 2023-166

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

RESOLUTION PROVIDING FOR THE COMBINATION OF CERTAIN ISSUES OF BONDS OF THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY INTO A SINGLE ISSUE OF BONDS AGGREGATING NOT TO EXCEED \$1,208,000 IN PRINCIPAL AMOUNT FOR SALE TO THE NEW JERSEY INFRASTRUCTURE BANK.

BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY AS FOLLOWS:

Section 1. Pursuant to the provisions of N.J.S.A. 40A:2-26(f), the Bonds of the Borough of Hightstown, in the County of Mercer, New Jersey (the “Borough”) authorized pursuant to the bond ordinances of the Borough heretofore adopted and described in Section 2 hereof shall be combined into a single and combined issue of Bonds in the principal amount of \$1,208,000 for sale to the New Jersey Infrastructure Bank and the State of New Jersey, acting by and through the New Jersey Department of Environmental Protection pursuant to the New Jersey Water Bank.

Section 2. The principal amount of Bonds authorized by each ordinance to be combined into a single issue as above provided, the bond ordinances authorizing the Bonds described by reference to the number, the improvement description and the date of adoption, and the period or average period of usefulness determined in each of the bond ordinances are respectively as follows:

Principal Amount of Bonds	Number of Ordinance	Description of Improvement and Date of Adoption of Ordinance	Useful Life
\$108,000	2020-16	Design costs, including the application of paint and repairs to the First Avenue water tank, Leshin Lane Standpipe and Cranbury Lane water tank, finally adopted December 7, 2020.	15 years
\$1,100,000	2022-07	Water tank painting and repairs for the water-sewer utility, finally adopted April 18, 2022.	15 years

Section 3. The following matters are hereby determined with respect to the combined issue of Bonds:

a. The average period of usefulness, computed on the basis of the respective amounts of Bonds presently authorized to be issued pursuant to each of the bond ordinances and the respective periods or average period of usefulness therein determined, is not less than 15 years.

b. The Bonds of the combined issue shall be designated "Bonds" or any such other designation as may be required by the New Jersey Infrastructure Bank and shall mature within the average period of usefulness herein determined.

c. The Bonds of the combined issue shall be sold and issued in accordance with the provisions of the Local Bond Law applicable to the sale and the issuance of bonds authorized by a single bond ordinance and accordingly may be sold with other issues of bonds.

Section 4. The following additional matters are hereby determined, declared, recited and stated:

a. None of the Bonds described in Section 2 hereof has been sold or issued heretofore, and the bond ordinances described in Section 2 have not been rescinded and now remain in full force and effect as authorizations for the respective amounts of Bonds set opposite the descriptions of the bond ordinances in Section 2.

b. The several purposes or improvements authorized by the respective bond ordinances described in Section 2 hereof are purposes for which bonds may be issued lawfully pursuant to the Local Bond Law and are all purposes for which no deduction may be taken in any annual or supplemental debt statement.

Section 5. This resolution shall take effect immediately.

CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on August 21, 2023

Margaret Riggio
Borough Clerk

Resolution 2023-167

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

RESOLUTION DETERMINING THE FORM AND OTHER DETAILS OF NOT EXCEEDING \$1,208,000 BONDS OF THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY, AND PROVIDING FOR THEIR SALE TO THE NEW JERSEY INFRASTRUCTURE BANK AND THE STATE OF NEW JERSEY AND FURTHER AUTHORIZING THE EXECUTION OF VARIOUS AGREEMENTS, ALL PURSUANT TO AND AS REQUIRED BY THE NEW JERSEY WATER BANK

WHEREAS, the Borough of Hightstown, in the County of Mercer, New Jersey (the "Local Unit"), has determined that there exists a need within the Local Unit to acquire, construct, renovate or install a project consisting of the water tank painting and repairs (the "Project") as defined in each of that certain Loan Agreement (the "I-Bank Loan Agreement") to be entered into by and between the Local Unit and the New Jersey Infrastructure Bank (the "I-Bank") and that certain Loan Agreement (the "Fund Loan Agreement", and together with the I-Bank Loan Agreement, the "Loan Agreements") to be entered into by and between the Local Unit and the State of New Jersey, acting by and through the New Jersey Department of Environmental Protection (the "State"), all pursuant to the State Fiscal Year 2023 New Jersey Water Bank (the "Program");

WHEREAS, the Local Unit has determined to finance the acquisition, construction, renovation or installation of the Project with the proceeds of a loan to be made by each of the I-Bank (the "I-Bank Loan") and the State (the "Fund Loan", and together with the I-Bank Loan, the "Loans") pursuant to the I-Bank Loan Agreement and the Fund Loan Agreement, respectively;

WHEREAS, to evidence the Loans, each of the I-Bank and the State require the Local Unit to authorize, execute, attest and deliver the Local Unit's Bonds, to the I-Bank (the "I-Bank Loan Bond") and Bonds, to the State (the "Fund Loan Bond", and together with the I-Bank Loan Bond, the "Local Unit Bonds"), said Local Unit Bonds to be issued in an aggregate principal amount not to exceed \$1,208,000, 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"), other applicable law and the Loan Agreements;

WHEREAS, N.J.S.A. 40A:2-27(a)(2) of the Local Bond Law allows for the sale of the I-Bank Loan Bond and the Fund Loan Bond to the I-Bank and the State, respectively, without any public offering, and N.J.S.A. 58:11B-9(a) allows for the sale of the I-Bank Loan Bond to the I-Bank without any public offering, all under the terms and conditions set forth herein;

WHEREAS, the I-Bank and the State have expressed their desire to close in escrow the making of the Loans, the issuance of the Local Unit Bonds and the execution and delivery of the Loan Agreements, all pursuant to the terms of an Escrow Agreement (the "Escrow Agreement") to be entered into by and among the I-Bank, the State, the Local Unit and the escrow agent named

therein.

NOW, THEREFORE, BE IT RESOLVED by a 2/3 vote of the full membership of the governing body of the Local Unit as follows:

Section 1. The I-Bank Loan Agreement, the Fund Loan Agreement and the Escrow Agreement (collectively, the "Financing Documents") are hereby authorized to be executed and delivered on behalf of the Local Unit by either the Mayor or the Chief Financial Officer in substantially the forms on file with the Clerk, with such changes as the Mayor or the Chief Financial Officer (each an "Authorized Officer"), in their respective sole discretion, after consultation with counsel and any advisors to the Local Unit (collectively, the "Local Unit Consultants") and after further consultation with the I-Bank, the State and their representatives, agents, counsel and advisors (collectively, the "Program Consultants", and together with the Local Unit Consultants, the "Consultants"), shall determine, such determination to be conclusively evidenced by the execution of such Financing Documents by an Authorized Officer as determined hereunder. The Local Unit Clerk is hereby authorized to attest to the execution of the Financing Documents by an Authorized Officer of the Local Unit as determined hereunder and to affix the corporate seal of the Local Unit to such Financing Documents.

Section 2. 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 Local Unit Clerk, as applicable, in their respective sole discretion, after consultation with the Consultants, to be executed in connection with the execution and delivery of the Financing Documents and the consummation of the transactions contemplated thereby, 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 thereof.

Section 3. In accordance with N.J.S.A. 40A:2-27(a)(2) of the Local Bond Law and N.J.S.A. 58:11B-9(a), the Local Unit hereby sells and awards its I-Bank Loan Bond to the I-Bank and its Fund Loan Bond to the State, in a total aggregate principal amount not to exceed \$1,208,000, all in accordance with the provisions hereof. The Local Unit Bonds have been referred to and are described in bond ordinance #2020-16, which bond ordinance is entitled "Bond Ordinance Providing for Various Improvements to the Water and Sewer Utility in and by the Borough of Hightstown, in the County of Mercer, New Jersey, Appropriating \$115,100 Therefor and Authorizing the Issuance of \$108,000 Bonds or Notes of the Borough to Finance the Cost Thereof" and bond ordinance #2022-07, which bond ordinance is entitled "Bond Ordinance Providing for Improvements to the Water-Sewer Utility in and by the Borough of Hightstown, County of Mercer, State of New Jersey, Appropriating \$1,100,000 Therefor and Authorizing the Issuance of \$1,100,000 Bonds or Notes of the Borough to Finance the Cost Thereof". The aforementioned ordinances were finally adopted by the Local Unit at a meetings duly called and held on December 7, 2020 and April 18, 2022, respectively, at which times a quorum was present and acted throughout, all pursuant to the terms of the Local Bond Law and other applicable law.

Section 4. 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 established by the I-Bank and the State under the Loan Agreements and the terms and conditions hereof, the following items with respect to the I-Bank Loan Bond and the Fund Loan Bond:

- (a) The aggregate principal amounts of the I-Bank Loan Bond and the Fund Loan Bond to be issued;
- (b) The maturity and annual principal installments of the Local Unit Bonds, which maturity shall not exceed 15 years;
- (c) The date of the Local Unit Bonds;
- (d) The interest rates of the Local Unit Bonds;
- (e) The purchase price for the Local Unit Bonds; and
- (f) The terms and conditions under which the Local Unit Bonds shall be subject to redemption prior to their stated maturities.

Section 5. Any determination made by the Chief Financial Officer pursuant to the terms hereof shall be conclusively evidenced by the execution and attestation of the Local Unit Bonds by the parties authorized under Section 6(c) hereof.

Section 6. The Local Unit hereby determines that certain terms of the Local Unit Bonds shall be as follows:

- (a) The I-Bank Loan Bond shall be issued in a single denomination and shall be numbered R-1. The Fund Loan Bond shall be issued in a single denomination and shall be numbered R-2;
- (b) The Local Unit Bonds shall be issued in fully registered form and shall be payable to the registered owners thereof as to both principal and interest in lawful money of the United States of America; and
- (c) The Local Unit Bonds 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 7. The I-Bank Loan Bond and the Fund Loan Bond shall be substantially in the form set forth in the I-Bank Loan Agreement and the Fund Loan Agreement, respectively.

Section 8. The law firm of McManimon, Scotland & Baumann, LLC is hereby

authorized to arrange for the printing of the Local Unit Bonds, which law firm may authorize McCarter & English, LLP, bond counsel to the I-Bank and the State for the Program, to arrange for same. The Local Unit auditor is hereby authorized to prepare the financial information necessary in connection with the issuance of the Local Unit Bonds. The Mayor, the Chief Financial Officer and the Local Unit Clerk are hereby authorized to execute any certificates necessary or desirable in connection with the financial and other information.

Section 9. The Mayor and the Chief Financial Officer are hereby severally authorized to execute any certificates or documents necessary or desirable in connection with the sale of the Local Unit Bonds, and are further authorized to deliver same to the I-Bank and the State upon delivery of the Local Unit Bonds and the receipt of payment therefor in accordance with the Loan Agreements.

Section 10. This resolution shall take effect immediately.

Section 11. 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, and Richard T. Nolan, Esq., McCarter & English, LLP, bond counsel to the I-Bank.

CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on August 21, 2023.

Margaret Riggio
Borough Clerk

Resolution 2023-168

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

AUTHORIZING A MEETING WHICH EXCLUDES THE PUBLIC

BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that this body will hold a meeting on August 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:

Contract Negotiations – Safe Routes to School Grant Agreement

Contract Negotiations – American Property Lease

Stated as precisely as presently possible the following is the time when and the circumstances under which the discussion conducted at said meeting can be disclosed to the public November 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.

CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on August 21, 2023.

Margaret Riggio
Borough Clerk