

**AGENDA**  
**Hightstown Borough Council**  
**December 18, 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**      November 20, 2023 – Public Session  
December 4, 2023 – Public Session  
December 4, 2023 – Executive Session

**Engineering Items**      **Resolution 2023-223** Authorizing the Borough Engineer to Prepare and Submit an Application for the Green Acres Park Development Grant – Recreation and ADA Improvements to Dawes Park

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

**Ordinances**      **2023-19 Final Reading and Public Hearing** An Ordinance to Repeal Article 2-59, Entitled “Awarding of Public Professional Service Contract,” of Part 4, “Administrative Policies and Procedure,” of Chapter 2, “Administration,” of “The Revised General Ordinances of the Borough of Hightstown.”

**2023-20 Final Reading and Public Hearing** An Ordinance Repealing Ordinance 2021-06, and to Conditionally Permit Certain Classes of Cannabis Businesses to Locate Within Specified Geographical Boundaries of the Borough of Hightstown in Mercer County, New Jersey, Adding Licensing Requirements to Chapter 4, Entitled “General Licensing,” Amending and Supplementing Chapter 28, Entitled “Zoning,” and Establishing Chapter 31, Entitled “Taxation

of Cannabis Sales,” of the “Revised General Ordinances of the Borough of Hightstown.”

**2023-21 Final Reading and Public Hearing** An Ordinance Establishing Certain Regulations and Amending and Supplementing Article 13-4, Entitled “Additional Housing Standards for Rental Units,” of Chapter 13, “Housing”, of “The Revised General Ordinances of the Borough of Hightstown,” In Order to Establish a New Section 13-4-11 Thereof to be Known as “Lead-Based Paint Inspection for Residential Rental Dwellings.”

**2023-22 Final Reading and Public Hearing** A Bond Ordinance Providing for Improvements to the Sluice Gate in and By the Borough of Hightstown, in the County of Mercer, New Jersey, Appropriating \$65,000 Therefor and Authorizing the Issuance of \$61,800 Bonds or Notes of the Borough to Finance Part of the Cost Thereof.

**2023-23 Final Reading and Public Hearing** Bond Ordinance Providing for Rebuilding of the Rotopress for the Water/Sewer Utility in and by the Borough of Hightstown, in the County of Mercer, New Jersey, Appropriating \$118,000 Therefor and Authorizing the Issuance of \$112,300 Bonds or Notes of the Borough to Finance Part of the Cost Thereof

## Resolutions

**2023-224** Authorizing Payment of Bills

## Consent Agenda

**2023-225** Appointing and Authorizing Agreements for Emergency and On-call Services for Water & Sewer Utilities

**2023-226** Establishing Salaries of Certain Officers and Employees of the Borough of Hightstown for the Year 2024

**2023-227** Awarding Contract for Zeta Lyte 1A Polyelectrolyte – George S. Coyne Chemical Co., Inc.

**2023-228** Awarding a Contract for Zeta Lyte 2800 CH Cationic Polyelectrolyte – George S. Coyne Chemical Co., Inc.

**2023-229** Reappointing a Municipal Emergency Management Coordinator

**2023-230** Appointing a Zoning Officer

**2023-231** Authorizing a Reimbursement for Cell Phone Usage

**2023-232** Rescinding Resolution 2023-201 and Authorizing a New Agreement for Backup Licensed Wastewater Operator Services at the Advanced Wastewater Treatment Plant (AWWTP)

**2023-233** Authorizing a Transfer of Funds in the 2023 Budget

## **Discussion**

### **Subcommittee Reports**

Recommendation for Borough Planner  
Recommendation for Grant Writer

## **Mayor/Council/Administrative Updates**

### **Executive Session**

**Resolution 2023-234** Authorizing a Meeting that Excludes the Public

Contract Negotiations – First Aid Donation

Contract Negotiations – Robbinsville

## **Adjournment**

# Resolution 2023-223

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

**AUTHORIZING THE BOROUGH ENGINEER TO PREPARE AND SUBMIT AN  
APPLICATION FOR THE GREEN ACRES PARK DEVELOPMENT GRANT –  
RECREATION AND ADA IMPROVEMENTS TO DAWES PARK**

**WHEREAS**, the Borough of Hightstown wishes to file an application for the Green Acres Park Development Grant for Recreation and ADA Improvements to Dawes Park; and

**WHEREAS**, the Borough Council has authorized the Borough Engineer, Carmela Roberts of Roberts Engineering Group, for an amount not to exceed \$7,500.00, to prepare the application for the Green Acres Development Grant.

**NOW, THEREFORE BE IT RESOLVED**, that the Borough Engineer is hereby authorized to prepare and file an application for the Green Acres Park Development Grant for Recreation and ADA Improvements to Dawes Park, at a cost not to exceed \$7,500.00.

**CERTIFICATION**

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on December 18, 2023.

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Margaret Riggio  
Borough Clerk



**Roberts**  
ENGINEERING GROUP LLC  
*Women Business Enterprise Certified*

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

December 6, 2023

Dimitri Musing, Borough Administrator  
Borough of Hightstown  
156 Bank Street  
Hightstown, New Jersey 08520

Re: Green Acres Park Development Grant Application  
Recreation and ADA Improvements to Dawes Park  
Borough of Hightstown, Mercer County, New Jersey  
Our File No.: H1552

Dear Dimitri:

At your request, Roberts Engineering Group is pleased to provide a proposal to prepare a Green Acres Grant Application to supplement proposed recreation and ADA improvements to Dawes Park. Applications must be submitted on or before February 7, 2024.

The Green Acres Program will offer four funding programs for 2024. The Borough is eligible under two different funding programs, Park Development and Urban Parks. As per the Green Acres Program Park Development Application, the Borough is in a highly populated municipality and in an Overburdened Community area and therefore eligible for up to 50% matching grant under the Park Development Fund. If Mercer County were to sponsor this project, the Borough could receive up to a 75% matching grant for the cost of the work under the Urban Park Development Fund.

The application will be submitted for recreation and ADA improvements to Dawes Park. The application requires mapping, a public hearing, community outreach, an environmental impact assessment, a written description of the proposal, as well as existing natural features, the Borough's recreation and open space program including your recreation and open space needs and local programs.

We are prepared to move forward with preparation of the application as outlined above and request authorization at your Council Meeting of December 18, 2023. We will need the time available until the submission deadline to complete the application. Our fee to prepare the application will be at a cost not to exceed \$7,500.00.

Should you have any questions or concerns, please do not hesitate to contact this office.

Very truly yours,

A handwritten signature in blue ink that reads "Carmela Roberts".

Carmela Roberts, P.E., C.M.E.  
Borough Engineer

cc: Mayor & Council  
Peggy Riggio, RMC, CMR, Borough Clerk  
Mairead Thompson, Administrative Assistant  
Cameron Corini, P.E., C.M.E., Roberts Engineering Group, LLC  
Jessica Guerrero, Roberts Engineering Group, LLC



## Borough of Hightstown

156 Bank Street, Hightstown, NJ 08520

(609) 490-5100 Ext 617

Website: [www.hightstownborough.com](http://www.hightstownborough.com)

Email: [Planning@HightstownBorough.com](mailto:Planning@HightstownBorough.com)

**TO:** Peggy Riggio, Borough Clerk  
**FROM:** Jane Davis, Planning Board Secretary  
**SUBJECT:** Ordinance 2023-20 – Cannabis  
**DATE:** December 12, 2023

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At the December 11, 2023, Planning Board meeting, Ordinance 2023-20 was reviewed. Several aspects were discussed, and the Board had the following comments to refer back to the Council.

- Whereas guidelines for on-site consumption has been noted, regulation on areas in which public consumption is allowed or not allowed is suggested.
- In addition to vehicular hours of operation on the premises, hours of operation should be determined via Site Plan resolution.

Please reach out should you have any questions.

# Ordinance 2023-19

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

**AN ORDINANCE TO REPEAL ARTICLE 2-59, ENTITLED  
“AWARDING OF PUBLIC PROFESSIONAL SERVICE CONTRACTS,”  
OF PART 4, “ADMINISTRATIVE POLICIES AND PROCEDURES,”  
OF CHAPTER 2, “ADMINISTRATION,” OF “THE REVISED GENERAL  
ORDINANCES OF THE BOROUGH OF HIGHTSTOWN.”**

**WHEREAS**, pursuant to Ordinance No. 2004-25 (the “Pay-to-Play Ordinance”), the Borough of Hightstown (the “Borough”) established local pay-to-play restrictions which prohibited the award of public contracts to business entities that have made certain political contributions during the 12-month period prior to the award of the contract, and which also prohibited business entities from making certain political contributions during the term of their contracts with the Borough; and

**WHEREAS**, the Pay-to-Play Ordinance was enacted pursuant to the authority prescribed by N.J.S.A. 40A:11-51; and

**WHEREAS**, the Pay-to-Play Ordinance was codified at Article 2-59, entitled “Awarding of Public Professional Service Contracts,” of Part 4, “Administrative Policies and Procedures,” of Chapter 2, “Administration,” of “The Revised General Ordinances of the Borough of Hightstown” (also referenced as the “Borough Code”); and

**WHEREAS**, pursuant to P.L. 2023, c.30, known as the “Elections Transparency Act” (the “Act”), significant changes were made to New Jersey’s pay-to-play laws; and

**WHEREAS**, Section 37 of the Act repealed N.J.S.A. 40A:11-51, which previously authorized governmental entities to adopt pay-to-play regulations that are more restrictive than the State regulations; and

**WHEREAS**, pursuant to the Act, the new State pay-to-play regulations preempt all local pay-to-play restrictions; and

**WHEREAS**, following the State Legislature’s adoption of the Act, the New Jersey Department of Community Affairs, Division of Local Government Services, issued Local Finance Notice (LFN) 2023-14 on August 8, 2023 (the “LFN”); and

**WHEREAS**, the LFN recommends that, given the State’s preemption of local pay-to-play restrictions with the enactment of the Act, local pay-to-play ordinances that were adopted pursuant to the authority previously contained in N.J.S.A. 40A:11-51 should, as a matter of housekeeping, be repealed; and

**WHEREAS**, given the above, the Mayor and Council of the Borough deem it to be in the best interests of the Borough to repeal Article 2-59, “Awarding of Public Professional Service Contracts,” of the Borough Code in its entirety.

**NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED**, by the Mayor and Council of the Borough of Hightstown, in the County of Mercer and State of New Jersey, that Article 2-59, entitled “Awarding of Public Professional Service Contracts,” of Part 4, “Administrative Policies and Procedures,” of Chapter 2, “Administration,” of “The Revised General Ordinances of the Borough of Hightstown” is hereby repealed in its entirety, and shall be of no further force and effect.

**BE IT FURTHER ORDAINED**, that all other provisions of Chapter 2 of the Borough Code which are not referenced in this Ordinance shall remain unaffected/unchanged and remain in full force and effect.

**BE IT FURTHER ORDAINED**, that all parts and provisions of any Ordinance which are inconsistent with the provisions of this Ordinance shall be repealed to the extent of such inconsistency.

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

**BE IT FURTHER ORDAINED**, that this Ordinance shall take effect upon final passage and publication in accordance with the law, following the required twenty (20) day period after adoption, as set forth in N.J.S.A. 40:69A-181(b).

Introduced: December 4, 2023

Adopted:

ATTEST:

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MARGARET RIGGIO  
MUNICIPAL CLERK

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SUSAN BLUTH  
MAYOR

# Ordinance 2023-20

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

**AN ORDINANCE REPEALING ORDINANCE 2021-06, AND TO CONDITIONALLY PERMIT CERTAIN CLASSES OF CANNABIS BUSINESSES TO LOCATE WITHIN SPECIFIED GEOGRAPHICAL BOUNDARIES OF THE BOROUGH OF HIGHTSTOWN IN MERCER COUNTY, NEW JERSEY, ADDING LICENSING REQUIREMENTS TO CHAPTER 4, ENTITLED “GENERAL LICENSING,” AMENDING AND SUPPLEMENTING CHAPTER 28, ENTITLED “ZONING,” AND ESTABLISHING CHAPTER 31, ENTITLED “TAXATION OF CANNABIS SALES,” OF THE “REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN.”**

**WHEREAS**, in 2020 New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called “cannabis” for adults at least 21 years of age; and

**WHEREAS**, on February 22, 2021, the Hon. Philip Murphy signed into law P.L. 2021, c. 16, known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” (the “Act”), which legalizes the recreational use of cannabis by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

**WHEREAS**, Section 31(a) of the Act authorizes municipalities by ordinance to adopt regulations governing the number of cannabis establishments (defined in Section 3 of the Act as “a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer”), cannabis distributors or cannabis delivery services allowed to operate within their boundaries, as well as the location, manner and times operation of such establishments, distributors or delivery services, and establishing civil penalties for the violation of any such regulations; and

**WHEREAS**, the Borough Council of the Borough of Hightstown (the “Borough”), in the County of Mercer and State of New Jersey, having previously decided that additional study of cannabis business was warranted and who thus voted to opt out of permitting any cannabis businesses, excepting the delivery of cannabis products as allowed by the Act, through the enactment of Ordinance 2021-06, now codified as Article 28-12 of the “Revised General Ordinances of the Borough of Hightstown,” have further studied the issues at hand, including the receipt of input from the Planning Board, and have at this time found it necessary and appropriate, and in the best interests of the health, safety and welfare of the Borough’s residents and members of the public who visit, travel, and/or conduct business in the Borough, to permit certain classes of cannabis-related businesses, land use and development within the geographic boundaries of the Borough, pursuant to the terms and conditions set forth herein, and to amend the Borough’s Ordinances accordingly.

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

**Section 1.** Article 4-13, presently “Reserved,” of Chapter 4, “General Licensing,” shall be named “Cannabis Licensing,” and shall constitute the following:

**Article 4-13. Cannabis Licensing.**

**§ 4-13-1. Definitions.**

As used in this article, the following terms shall have the meanings as defined in the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act,” also referenced herein as the “Act” or “P.L. 2021, c. 16,” as it may be amended or superseded, and are included herein for purposes of general acknowledgement and ease of use:

**CLASS 1 CANNABIS CULTIVATOR LICENSE**

A license for facilities involved in growing and cultivating cannabis.

**CLASS 2 CANNABIS MANUFACTURER LICENSE**

A license for facilities involved in the manufacturing, preparation, and packaging of cannabis items.

**CLASS 3 CANNABIS WHOLESALE LICENSE**

A license for facilities involved in obtaining and selling cannabis items for later resale by other licensees.

**CLASS 4 CANNABIS DISTRIBUTOR LICENSE**

A license for businesses involved in transporting cannabis plants in bulk from a licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another.

**CLASS 5 CANNABIS RETAILER LICENSE**

A license for locations at which cannabis items and related supplies are sold to consumers.

**CLASS 6 CANNABIS DELIVERY LICENSE**

A license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchased items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer.

All other terms as defined in the Act are hereby incorporated herein by reference and shall have the meanings set forth in the Act, as may be amended or superseded.

In addition, the following terms shall have the meanings indicated:

## **GIFTING**

Shall mean the sale of any object containing cannabis or a cannabis product wherein the cannabis itself is assigned no or a below market price sales price.

### **§ 4-13-2. Non-Licensed Cannabis Businesses and Individual Proprietors and Gifting Prohibited.**

The cultivation, manufacturing, preparation, packaging, wholesaling, distributing, retailing, delivery and other related enterprise consisting in whole or in part of cannabis growing, harvesting, drying, producing, marketing and selling by non-licensed businesses or individuals is hereby prohibited throughout the Borough of Hightstown. No licensed cannabis enterprise and no non-licensed business or individual may undertake the gifting of cannabis in the Borough of Hightstown. In addition to any criminal penalties which may be applicable, the Borough shall impose a civil penalty for the violation of any of the provisions of this section in accordance with §4-13-5.

### **§ 4-13-3. Licensed Use Applicability.**

The use of any cannabis license shall only be in strict accordance with the land use and location requirements of Chapter 28 of the Revised General Ordinances of the Borough of Hightstown. Consequently, the Borough of Hightstown may or may not establish locations for the use and operation of the six types of cannabis business licenses and operations as set forth in the Act. Should the Borough of Hightstown establish more than one type of cannabis license, nothing herein shall prohibit a single owner from owning more than one such license, provided such ownership is not prohibited by State statute or rule.

### **§ 4-13-4. Local Licensing Authority.**

- A. The Borough Council is hereby designated to act as the local licensing authority for the Borough of Hightstown for all cannabis businesses within the Borough. The Borough Administrator shall act as the receiver of any communications from the State Cannabis Regulatory Commission and shall promptly convey any item of information with regard to the licensing of cannabis businesses by the State or in which State law requires any review or approval by the Borough of any action to the Borough Council.
- B. Under no circumstances shall a local license for a cannabis business issued by the Borough Council be effective until or unless the State has issued the requisite licenses to operate such a facility. It is the intent of this article that no cannabis business may lawfully operate in the Borough of Hightstown without the issuance of a State license and full regulatory oversight of the cannabis business by the Cannabis Regulatory Commission or other state licensing authority as required by law as well as oversight and issuance of a license by the Borough.
- C. Municipal licensing for cannabis businesses shall follow the nomenclature of the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” as indicated in the definitions in this article.

- D. Maximum number of licenses and fees. Subject to the provisions of Chapter 28, the Borough may issue up to and including the following number of licenses which shall require the associated license application and annual renewal fee:

**BOROUGH OF HIGHTSTOWN CANNABIS LICENSE AND FEE SCHEDULE**

License	Class	Maximum Number of Licenses to be Issued	Nonrefundable Application Fee	Annual License Renewal
Cannabis Cultivator	1	1	\$10,000.00	\$25,000.00
Cannabis Manufacturer	2	1	\$10,000.00	\$25,000.00
Cannabis Wholesaler	3	1	\$10,000.00	\$25,000.00
Cannabis Distributor	4	1	\$10,000.00	\$25,000.00
Cannabis Retailer	5	0	N/A	N/A
Cannabis Delivery	6	0	N/A	N/A

For any class of cannabis license referenced in the schedule above in which the number “0” is specified under the column entitled “Maximum Number of Licenses to be Issued,” the Borough hereby continues to “opt out” relating to that class of cannabis license under the Act, as originally declared in Ordinance 2021-06.

- E. A resolution of support issued by the Borough Council pursuant to N.J.A.C. 17:30-5.1(g)1 to a cannabis business shall expire within eighteen (18) months unless the business has secured at least one of the annual State issued cannabis licenses for operation of a Class 1 through 4 business within the Borough of Hightstown. The Borough Council may extend the resolution of support at its discretion for up to two (2) additional periods of six (6) months each for good cause, including but not limited to delays in the processing of approvals required from State, county or other local agencies. There shall be a fee of \$2,500.00 for each extension request.

- F. Additional licensing regulations.

(1) Hours of operation.

- (a) The hours of operation of vehicles on the premises of a cannabis business with a gross vehicle weight rating of 25,000 lbs. or greater for Classes 2 through 4 licensees shall be limited from 7:00 am to 7:00 pm, inclusive, unless, as part of a site plan application and for good cause shown and mitigation of noise, appropriate access and site layout, an extended period, not to exceed 14 hours total in any day, is approved by the Planning Board.

- (b) Such hours shall be construed to mean Eastern Standard Time or Eastern Daylight Savings Time, whichever time shall be in effect within the Borough of Hightstown.
- (2) Prohibited consumption. The consumption of cannabis items through smoking, vaping, aerosolizing or other means (e.g. edibles) is prohibited within or on the grounds of any licensed cannabis establishments, distributors, or delivery service of any class of license within the Borough of Hightstown.
- (3) Security. All structures shall be designed, using safety and security barriers, to prevent the unlawful and unauthorized entry into the structures as prescribed by State law.
  - (a) There shall be controlled access to the site, with 24/7 on-site video monitoring of the exterior and interior of the facility. Video records shall be retained and stored for the period prescribed by State law, but in no case shall such video be retained and stored for less than 30 days.
  - (b) Any site plans, construction plan, reports and similar documents depicting or describing access and security details information concerning the facility shall be deemed and protected as confidential security documents and exempt from disclosure as public records.
- (4) Emergency power. All licensed cannabis establishments, distributors, or delivery services shall have a backup generator, capable of maintaining, at a minimum, all electronic security systems and odor control systems in the event of a power failure for a period of at least forty-eight (48) hours.
- (5) Enclosed building. All cultivation, manufacturing, storage and distribution activities, as may be permitted within the Borough, shall take place within an enclosed building. Any facility that is not the sole occupant of its building shall have no internal doorways, windows, or utility chases in common with other spaces in the building and shall have a separate HVAC system (which incorporates odor control) solely for the cannabis business.
- (6) Pollen and seed control. Any cannabis business shall implement measures to prevent cross-pollination and to prevent cannabis pollen and seeds from leaving the premises, which may include, but not limited to, use of pollen screens, ultraviolet light and other methods to ensure that employees, customers, vendors and other persons on site do not leave the premises while carrying any cannabis pollen or seeds knowingly or unknowingly.
- (7) Fencing. All fencing or walls installed for security purposes shall be at least six (6) feet in height. Such security structure may be extended in height as approved on a site plan by the Planning Board.
- (8) Site management. Any cannabis business shall properly store and dispose of all waste generated on the site, including chemical and organic waste, in accordance with all applicable laws and regulations. No cannabis business shall dispose of cannabis or cannabis products

unless they have been made unusable and unrecognizable.

- (9) Noise. All cannabis business facilities shall operate in compliance with state, county, and local noise laws and regulations, except in emergency situations requiring the use of a backup generator.
  - (10) Odor. All cannabis business facilities shall utilize available technology to filter and recirculate air, so that odors are not discernable by a reasonable person beyond the property line. Such determination shall be supported by such exhibits, submissions and expert testimony in a development application before the Planning Board for site plan approval to which the approving authority may attach reasonable conditions. The Planning Board may engage such experts as needed to evaluate the submissions made by the applicant in accordance with the procedures set forth in N.J.S.A. 40:55D-1, *et seq.*
  - (11) Site Plan and other necessary land use approvals. All applicants for a license to operate a cannabis business within the Borough shall be required to apply for and obtain site plan approval and any other necessary land use approvals from the Planning Board.
  - (12) Host community benefits agreement. Following the receipt of all necessary approvals, any applicant for a license to operate a cannabis business within the Borough shall be required to enter into a host community benefits agreement with the Borough to (i) address on- or off-site impacts reasonably anticipated because of the nature of the business and/or the property on which such business is proposed to be located as a condition of local land use approval, and/or (ii) memorialize an applicant's commitment to the Borough.
  - (13) Sales Restricted to Persons Over Age 21. No sales of cannabis items shall be permitted to persons who are under the age of twenty-one (21) years.
- G. Application for Local License. Persons wishing to obtain any permitted classification of cannabis license within the Borough shall file a license application with the Borough Clerk, on a standardized form established by the Borough and available in the Borough Clerk's office or other suitable locations as determined by the Borough. An application shall be deemed incomplete, and shall not be processed by the Borough, until all documents and application fees are submitted. To be deemed complete, all applications shall be submitted to the Borough Clerk's Office and shall be accompanied by the items referenced below. The following regulations shall apply:
- (1) The applicant shall submit proof that the applicant has or will have lawful possession of the premises proposed for the cannabis establishment, which proof may consist of: a deed, a lease, a real estate contract contingent upon successful licensing, or a binding letter of intent by the owner of the premises indicating an intent to lease the premises to the entrant contingent upon successful licensing.
  - (2) The applicant shall submit an affidavit and documentary proof of compliance with all State and local laws regarding affirmative action, anti-discrimination and fair employment practices. The applicant shall also certify under oath that they will not and shall not discriminate based on race, color, religion (creed), gender, gender expression, age, national

origin (ancestry), disability, marital status, sexual orientation, or military status, in any of its activities or operations.

- (3) The applicant shall submit all required nonrefundable fees for the application and conditional license in accordance with the BOROUGH OF HIGHTSTOWN CANNABIS LICENSE AND FEE SCHEDULE.
- (4) The applicant and the application shall otherwise comply with any and all qualification standards set forth in the State and Borough laws or regulations.
- (5) Completed applications shall include a business plan outlining the proposed operations of the cannabis business.
- (6) All applications shall be evaluated by the Hightstown Cannabis Committee. The Committee shall consist of the Borough Administrator and the Chief of Police, or their respective designees, and another Borough employee or non-Governing Body official to be designated by the Borough Administrator. The Committee shall evaluate all applications and issue to the Borough Council a recommendation as to the issuance of a resolution of support, a resolution of support with conditions or a rejection of the application. The recommendation shall be made after consideration and evaluation of the following criteria:
  - (a) The applicant's owners' or principals' qualifications and experience operating in highly regulated industries, including cannabis, healthcare, pharmaceutical manufacturing, or retail pharmacies, with preference to experience operating such businesses within the State of New Jersey and where the value of the owners' experience shall outweigh the experience of non-owner principals.
  - (b) The applicant's qualifications and experience related to public safety and security, including any of the applicant's owners' or principals' experience in securing controlled substances or valuable items. Applicant shall submit a summary of the applicant's plans for storage of products and currency, physical security, video surveillance, security personnel, and visitor management as well as training plans.
  - (c) The status of the applicant's control over the premises at the proposed location, and specifically whether the applicant owns or has executed an agreement to lease or purchase the site.
  - (d) The extent of the applicant's ties to the community as measured by residency in Hightstown by employees, managers and/or shareholders, historical operation of a local business, historical ties to Hightstown or area civic organizations and/or charities.
  - (e) Any other information that the applicant may wish to highlight and bring to the Borough's attention regarding the proposed cannabis business operation and/or the owners, principals or employees of the business.
- (7) The Borough Council shall act on the recommendations made by the Hightstown Cannabis

Committee within 45 days of the committee issuing its recommendations to issue a resolution of support, resolution of support with conditions, or to not issue a resolution of support of a municipal cannabis license under the terms of paragraph H hereinbelow. The Borough Council shall not issue resolutions of support in excess of the number of local cannabis licenses permitted in accordance with the BOROUGH OF HIGHTSTOWN CANNABIS LICENSE AND FEE SCHEDULE. The Borough Administrator shall engage with an applicant granted a resolution of support or a resolution of support with conditions for a host community benefits agreement which must be approved by the Borough Council.

- (8) Notwithstanding the foregoing competitive application process, a notification of a resolution of support shall entitle the recipient applicant to pursue a State license in the appropriate cannabis class for up to eighteen (18) months, which may be extended at the Borough Council's discretion for up to two (2) additional periods of six (6) months each for good cause. No license to operate shall issue until the applicant has received a State annual license and satisfied other prerequisites of municipal licensure. If the recipient of a resolution of support has not received a State license within eighteen (18) months from issuance, unless extended for good cause, the Borough Administrator shall issue a new request for applications and evaluate all applicants for licensure under the above criteria.

H. Terms of local cannabis license and cannabis license renewals:

- (1) Before the occupancy of a building or buildings where the local cannabis license will be used to operate the cannabis business, the license holder shall obtain site plan approval, along with any and all other land use approvals deemed necessary, from the Hightstown Planning Board, along with any additional outside governmental agency approval(s) which may be necessary.
- (2) Any local license issued pursuant to this article shall be valid for a period of one (1) year from the date of issuance and shall be renewed in accordance with the provisions of this article.
- (3) The Borough Administrator may, at the official's discretion, adjust the renewal date of the local license to correlate with an applicant's State licensing and renewal schedule.
- (4) Renewal of any license shall be governed by any code amendments, additional restrictions or changes in regulations adopted since the previous license was issued or renewed.
- (5) Transfer of ownership of any local license or change of location of any license or modification to expand a licensed premise shall be subject to joint Borough Council and Planning Board review and approval as well as a new license application.
- (6) Except where the Borough Clerk has received a complete renewal application along with the requisite fees, and the Borough has issued a license renewal, it shall be unlawful for any person to manufacture, sell, distribute, transfer, transport, or otherwise remove cannabis or cannabis products from the premises of any licensee after the expiration date recorded on the face of the license, except for the closure of the business.

**§ 4-13-5. Enforcement and Penalties.**

- A. This ordinance shall be enforced by the Code Enforcement Officer and/or their designee.
- B. Jurisdiction. Violations of this ordinance shall be adjudicated in the Hightstown Municipal Court. This ordinance shall not affect the judicial proceedings of any other aspect of cannabis use in the Borough of Hightstown.
- C. Penalties. Convictions shall result in the following penalties:
  - (1) First offense and subsequent offenses: A mandatory fine shall be imposed in an amount not to exceed \$2,000.00 per day per violation. In addition to the mandatory fine, the following penalties may be imposed in the discretion of the Municipal Court Judge:
    - (a) Imprisonment in the Mercer County Jail for any term not exceeding 90 days; or
    - (b) Imposition of a period of community service for a period not exceeding 90 days.
  - (2) Each and every day of the violation shall be construed as a single and separate offense.
  - (3) Summary suspension. Notwithstanding the foregoing, when the Borough Administrator has been notified of a third conviction by a licensee or has reasonable grounds to believe that a licensee has engaged in deliberate and willful violation of any applicable law or regulation, or that the public health, safety, and/or general welfare has been jeopardized and requires immediate action, or in circumstances where the licensee has failed to reimburse the municipality for outside third party financial consultant fees in a timely manner as set forth in § 31-1.5a of the Borough Code, the Borough Administrator, in consultation with the Hightstown Cannabis Committee, may enter a summary suspension order which immediately suspends the licensee's license to operate and schedule a hearing as follows:
    - (a) The summary suspension order shall be in writing, shall state the reasons therefor, and shall schedule a hearing not less than ten (10) nor more than thirty (30) days from the date of the order. The order shall be served upon the licensee immediately.
    - (b) The Borough Administrator shall convene the Hightstown Cannabis Committee to conduct the hearing. The licensee shall be permitted to appear at the hearing, along with counsel, if so desired. The licensee must notify the Borough Administrator at least five (5) days prior to the hearing if the licensee plans to bring counsel to the hearing. At the conclusion of the hearing, the Hightstown Cannabis Committee may lift the suspension order and reinstate the license in cases where the licensee has taken sufficient immediate actions to rectify the violation(s) which were the cause of the summary suspension order. Alternatively, the Hightstown Cannabis Committee may impose any fines, conditions, restrictions, suspensions, revocations or combination thereof as warranted.
    - (c) Inactive licenses. Following the commencement of operations by a cannabis business,

the Borough Council may suspend or revoke any license if the licensed premises has been inactive or unoccupied by the licensee for at least six (6) months.

- (4) State license. The Borough Council may suspend or revoke any locally-issued license if the corresponding State license for the subject location is expired, surrendered, suspended, or revoked.

**Section 2.** Section 28-3-14, entitled “H-C Highway Commercial District,” of Article 28-3, “Districts Established; Zoning Map,” of Chapter 28, “Zoning,” of the “Revised General Ordinances of the Borough of Hightstown,” is hereby amended and supplemented as follows (additions are shown with underline):

**§ 28-3-14, H-C Highway Commercial District.**

A. Permitted Uses. In the H-C Highway Commercial District, the following uses, and no others, shall be permitted:

(1) Principal Uses. [Unchanged]

(2) Accessory Uses and Structures.

(a) Off-street parking and loading facilities.

(b) Private garages and storage buildings.

(c) Fences, walls and landscaping.

(d) Amusement machines: as permitted in the DTC Downtown Core District.

(e) Satellite dishes, subject to the restrictions and requirements set forth in § 28-10-19.

(f) Signs in accordance with Chapter 29.

(g) Accessory uses and structures customarily incidental and on the same lot as a principal or conditional use.

(3) Conditional Uses. The following uses shall be permitted when authorized as a conditional use by the Planning Board when meeting their associated criteria:

(a) Cannabis Cultivation, Manufacturing, Wholesaling or Distribution, subject to the following criteria:

[1] Such use or uses shall be located on a tract of land comprising at least ten (10) contiguous acres. The vertically integrated operation of Cannabis Cultivation and Cannabis Manufacturing shall be permitted on the same tract of land.

[2] Such use shall operate fully within an enclosed building.

[3] Excepting emergency egress doors, each entrance and exit, including loading docks doors, shall be designed to prevent interior air from escaping out of doors unless properly treated as required under §4-13-4F10 through air locks, negative pressurization or other means of preventing untreated air from exiting the building.

[4] All criteria set forth in the licensing regulations at §4-13-4F shall apply.

- (b) Notwithstanding § 4-13-4D, and subject to approval of the State Cannabis Regulatory Commission, nothing herein shall prohibit multiple licensees within each permitted class from operating simultaneously on the same tract of land, provided that each licensee otherwise satisfies the conditional use criterion herein and any requirements of the State with respect to the co-location of cannabis businesses on the same tract of land or within the same building.

B. Other Restrictions. *[Editor's Note: For brevity, the language of the existing Code is not recited hereafter, as all existing language and subsections which are currently in effect under §28-3-14B are not being revised as part of the within Ordinance and shall remain unchanged.]*

**Section 3.** Article 28-12, entitled "Cannabis," of Chapter 28, "Zoning," of the "Revised General Ordinances of the Borough of Hightstown" is hereby REPEALED in its entirety.

**Section 4.** There is hereby created Chapter 31, entitled "Taxation of Cannabis Sales," of the "Revised General Ordinances of the Borough of Hightstown," which shall read as follows:

### **Chapter 31. Taxation of Cannabis Sales**

#### **§ 31-1-1. Title.**

This chapter shall be known as the "Taxation of Cannabis Sales."

#### **§ 31-1-2. State Enablement.**

- A. Legislation. On February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act" (the "Act"), which legalizes the recreational use of cannabis by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession.
- B. The Act establishes six marketplace classes of licensed businesses, including:
- (1) Class 1 Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;
  - (2) Class 2 Cannabis Manufacturer license, for facilities involved in the manufacturing,

preparation, and packaging of cannabis items;

- (3) Class 3 Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;
- (4) Class 4 Cannabis Distributor license, for businesses involved in transporting cannabis plants in bulk from on licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;
- (5) Class 5 Cannabis Retailer license for locations at which cannabis items and related supplies are sold to consumers; and
- (6) Class 6 Cannabis Delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchased items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer.

- C. A Cannabis Business is defined as any business that holds one or more State of New Jersey issued license for Class 1 through Class 6 cannabis business and a Vertically Integrated Cannabis Business is defined as any Cannabis Business that holds more than one Cannabis License.
- D. Section 40a(1) of the Act permits a municipality to adopt an ordinance imposing a transfer tax on the sale of cannabis or cannabis items by a cannabis establishment that is located in the municipality on receipts from the sale of cannabis by a cannabis cultivator to another cannabis cultivator; receipts from the sale of cannabis items from one cannabis establishment to another cannabis establishment; receipts from the retail sales of cannabis items by a cannabis retailer to retail consumers who are twenty-one (21) years of age or older; or any combination thereof and to set its own rate or rates, but in no case exceeding: two (2) percent of the receipts from each sale by a cannabis cultivator; two (2) percent of the receipts from each sale by a cannabis manufacture; one (1) percent of the receipts from each sale by a cannabis wholesaler; and two (2) percent of the receipts from each sale by a cannabis retailer.
- E. Section 40a(2) of the Act requires a municipality enacting a Transfer Tax to also enact a User Tax.

### **§ 31-1-3. Definitions.**

#### **CANNABIS**

Shall mean the same as that term is defined in section 3 of P.L.2021, c.16 (C.24:6I-33).

#### **CANNABIS CULTIVATOR**

Shall mean the same as that term is defined in section 3 of P.L.2021, c.16 (C.24:6I-33).

**CANNABIS ESTABLISHMENT**

Shall mean the same as that term is defined in section 3 of P.L.2021, c.16 (C.24:6I-33).

**CANNABIS ITEMS**

Shall mean the same as that term is defined in section 3 of P.L.2021, c.16 (C.24:6I-33).

**CANNABIS MANUFACTURER**

Shall mean the same as that term is defined in section 3 of P.L.2021, c.16 (C.24:6I-33).

**CANNABIS RETAILER**

Shall mean the same as that term is defined in section 3 of P.L.2021, c.16 (C.24:6I-33).

**CANNABIS WHOLESALE**

Shall mean the same as that term is defined in section 3 of P.L.2021, c.16 (C.24:6I-33).

**CONSUMER**

Shall mean the same as that term is defined in section 3 of P.L.2021, c.16 (C.24:6I-33).

**PREMISES**

Shall mean the same as that term is defined in section 3 of P.L.2021, c.16 (C.24:6I-33).

**TAXPAYER BUSINESS**

Shall mean for the purposes of this Chapter any cannabis business defined in this sub-section.

All other terms as defined in the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act,” also referenced herein as the “Act” or “P.L. 2021, c. 16,” are hereby incorporated herein by reference and shall have the meanings set forth in the Act, as may be amended or superseded.

**§ 31-1-4. Establishment of Transfer and User Taxes.**

**A. Transfer Tax.**

- (1) There is hereby imposed a transfer tax in the amount of two percent (2%) on receipts from the sale of cannabis as follows:
  - (a) From the sale of cannabis by a cannabis cultivator to another cannabis establishment;  
and
  - (b) From the sale of cannabis items from one cannabis manufacturer to another cannabis establishment.
  - (c) From the sale of cannabis items from a cannabis retailer to the consumer, if retail cannabis sales become permitted in Hightstown Borough.
- (2) There is hereby imposed a transfer tax in the amount of one percent (1%) on receipts of the

sale of cannabis as follows:

- (a) From the sale of cannabis items from one cannabis wholesaler to another cannabis establishment.
- B. Collection of Transfer Tax. Such tax shall be collected or paid, and remitted to the municipality by the cannabis establishment from the cannabis establishment purchasing or receiving the cannabis or cannabis item, or from the consumer at the point of sale, on behalf of the municipality by the cannabis retailer selling the cannabis item to that consumer. The transfer tax shall be stated, charged, and shown separately on any sales slip, invoice, receipt, or other statement or memorandum of the price paid or payable, or equivalent value of the transfer, for the cannabis or cannabis item. No cannabis establishment required to collect a transfer tax imposed hereunder shall advertise or hold out to any person or to the public in general, in any manner, directly or indirectly, that the transfer tax or user tax will not be separately charged and stated to another cannabis establishment or the consumer, or that the transfer tax will be refunded to the cannabis establishment or the consumer.
- C. User Tax. There shall also be imposed a user tax, at the equivalent transfer tax rates, on any concurrent license holder, as permitted by section 33 of P.L. 2021, c.16 (C.24:6 -46), operating more than one cannabis establishment. The user tax shall be imposed on the value of each transfer or use of cannabis or cannabis items not otherwise subject to the transfer tax imposed pursuant to paragraphs A and B of this subsection, from the license holder's establishment that is located in the municipality to any of the other license holder's establishments, whether located in the municipality or another municipality. The value of each transfer or use of cannabis or cannabis items for user tax computation shall equal the statewide average retail price of an ounce of usable cannabis for consumer purchase, as determined by the Cannabis Regulatory Commission, less ten percent (10%) or the third-party dispensary wholesale price, whichever is less.
- D. Relationship to Other Taxes. A transfer tax or user tax imposed pursuant to this section shall be in addition to any other tax imposed by law. Any transaction for which the transfer tax or user tax is imposed, or could be imposed, pursuant to this section, other than those which generate receipts from the retail sales by cannabis retailers, shall be exempt from the tax imposed under the "Sales and Use Tax Act," P.L. 1966, c.30 (C.54:32B-1 et seq.). The transfer tax or user tax shall be paid by the cannabis establishment purchasing or receiving any cannabis or cannabis item from any cannabis cultivator or cannabis manufacturer or cannabis wholesaler licensed by the municipality, and shall be collected and remitted to the municipality by the cannabis establishment licensed by the municipality. The transfer tax or user tax shall be stated, charged, and shown separately on any sales slip, invoice, receipt, or other statement or memorandum of the price paid or payable, or equivalent value of the transfer, for the cannabis or cannabis item.
- E. Tax Liability. Every cannabis establishment required to collect a transfer tax or user tax imposed pursuant to this ordinance shall be personally liable for the transfer tax or user tax imposed, collected, or required to be collected under this section. Any cannabis establishment shall have the same right with respect to collecting the transfer tax or user tax from another cannabis establishment or the consumer as if the transfer tax or user tax was a part of the sale and payable at the same time, or with respect to non-payment of the transfer

tax or user tax by the cannabis establishment or consumer, as if the transfer tax or user tax was a part of the purchase price of the cannabis or cannabis item, or equivalent value of the transfer of the cannabis or cannabis item, and payable at the same time; provided, however, that the chief financial officer of the Borough of Hightstown which imposes the transfer tax or user tax shall be joined as a party in any action or proceeding brought to collect the transfer tax or user tax. No cannabis establishment required to collect a transfer tax or user tax imposed by pursuant to this ordinance shall advertise or hold out to any person or to the public in general, in any manner, directly or indirectly, that the transfer tax or user tax will not be separately charged and stated to another cannabis establishment or the consumer, or that the transfer tax or user tax will be refunded to the cannabis establishment or the consumer.

**§ 31-1-5. Administration of Transfer and User Taxes.**

- A. Unless otherwise determined by the Borough Council, the chief financial officer of Hightstown is charged with the administration and enforcement of the provisions of this chapter, and is empowered to prescribe, adopt, promulgate and enforce rules and regulations relating to any matter pertaining to the administration and enforcement of this chapter, including provisions for the reexamination and corrections of declarations and statements, and of payments alleged or found to be incorrect, or as to which an overpayment is claimed or found to have occurred, and to prescribe forms necessary for the administration of this chapter. The Borough Council may determine at any time, in its sole discretion, to retain an outside third party financial consultant (the “outside consultant”) to exercise all of duties and responsibilities of the chief financial officer as set forth above, with the exception of the power of enforcement, levying of fines and penalties and entering into agreements with the State of New Jersey. In the event that the Borough Council retains such an outside consultant, the fee schedule for the outside consultant shall be presented, for informational purposes only, to the cannabis business before such audit and other work is undertaken. The cannabis business shall be responsible for reimbursement to the Borough of the fees incurred by the Borough to the outside consultant for services rendered in its examination of the business’s accounts for the determination of tax to be paid. A copy of the invoice shall be sent to the cannabis business by the municipality after the municipality is billed for the outside consultant’s work. The cannabis business shall reimburse the municipality for the outside consultant’s fees and expenses within sixty (60) days thereafter. Failure to timely reimburse the municipality shall invoke §4-13-5 of the Borough Code. Should a cannabis business fail or refuse to provide adequate information to the chief financial officer or the outside consultant to determine the amount of tax due, the chief financial officer or the outside consultant may use information provided from other sources (i.e., the NJ Cannabis Regulatory Commission or NJ Department of Treasury) to determine the amount of tax liability, and the licensee shall be subject to the penalties set forth in §4-13-5 of the Borough Code.
- B. It shall be the duty of the chief financial officer or the outside consultant, as applicable, to collect and receive the taxes, fines, and penalties imposed by this chapter. It shall also be the duty of the chief financial officer or the outside consultant, as applicable, to keep a record showing the date of such receipt. The chief financial officer is authorized to enter into

agreements with the State of New Jersey to obtain information to facilitate administration of the taxes. The chief financial officer is authorized to issue a ruling upon written request of a taxpayer or upon his or her own volition.

- C. The chief financial officer or the outside consultant, as applicable, is hereby authorized to examine the books, papers and records of any taxpayer to verify the accuracy of any declaration or financial statement, or if no declaration or financial statement was filed, to ascertain the tax due. Every taxpayer is hereby directed and required to give to the chief financial officer, or to the outside consultant, as applicable, the means, facilities and opportunity for such examinations and investigations, as are hereby authorized or otherwise permitted by law.
- D. In the event that the transfer tax or user tax imposed pursuant to this ordinance is not paid when due by a cannabis establishment, the unpaid balance, and any interest accruing thereon, shall be a lien on the parcel of real property comprising the cannabis establishment's premises in the same manner as all other unpaid municipal taxes, fees, or other charges. The lien shall be superior and paramount to the interest in the parcel of any owner, lessee, tenant, mortgagee, or other person, except the lien of municipal taxes, and shall be on a parity with and deemed equal to the municipal lien on the parcel for unpaid property taxes due and owing in the same year.
- E. The chief financial officer or outside consultant, as applicable, shall file in the office of its tax collector a statement showing the amount and due date of the unpaid balance and identifying the lot and block number of the parcel of real property that comprises the delinquent cannabis establishment's premises. The lien shall be enforced as a municipal lien in the same manner as all other municipal liens are enforced.
- F. Returns and records filed by a licensee, and the records and files of the chief financial officer or the outside consultant, as applicable, respecting the administration of the Transfer and User Tax, shall be considered confidential and privileged and neither the chief financial officer nor any employee or outside consultant engaged in the administration thereof or charged with the custody of any such records or files, nor any former officer or employee, nor any person who may have secured information therefrom shall divulge, disclose, use for their own personal advantage, or examine for any reason other than a reason necessitated by the performance of official duties any information obtained from the said returns, records or files or from any examination or inspection of the premises or property of any person, or to an officer of a public entity for a reason authorized by N.J.S.A. 54:50-9. Neither the chief financial officer nor any employee or outside consultant engaged in such administration or charged with the custody of any such returns, records or files shall be required to produce any of them for the inspection of any person or for use in any action or proceeding except when the records or files or the facts shown thereby are directly involved in an action or proceeding to collect or challenge the assessment of Transfer or User Taxes hereunder, or where the determination of the action or proceeding will affect the validity or amount of the claim of the Borough hereunder, or in any lawful proceeding for the investigation and prosecution of any violation of this Article 31 or of the criminal provisions of the State Uniform Tax Procedure Law or of any State tax law, or where production is required

pursuant to the New Jersey Open Public Records Act (N.J.S.A. 47:1A-1, et seq.) or the Common Law, or the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c.16) or other applicable law.

**§ 31-1-6. Recordkeeping, Tax Payments and Financial Statements.**

- A. Requirement to Keep Records. Taxpayers liable for the transfer and/or user tax are required to keep such records as will enable the filing of true and accurate financial statements of the tax and such records shall be preserved for a period of not less than three (3) years from the filing date or due date, whichever is later, in order to enable the chief financial officer or any agent designated by him to verify the correctness of the declarations or financial statements filed. If records are not available in the Borough of Hightstown to support the financial statements which were filed or which should have been filed, the taxpayer will be required to make them available to the chief financial officer either by producing them at a location in the municipality or by paying for the expenses incurred by the chief financial officer or his agent in traveling to the place where the records are regularly kept.
- B. Tax Payments and Financial Statements. All cannabis establishments operating in the Borough of Hightstown shall be required to file a transfer and/or user tax statement with the chief financial officer to report their sales during each calendar quarter and the amount of tax in accordance with the provisions of this chapter. Financial statements shall be filed and payments of tax imposed for the preceding calendar quarter shall be made on or before the last day of April, July, October, and January, respectively. A taxpayer who has overpaid the transfer tax, or who believes it is not liable for the tax, may file a written request on an amended financial statement with the chief financial officer for a refund or a credit of the tax.

**Section 5. Repealer.** Any article, section, paragraph, subsection, clause, or other provision of the Code of the Borough of Hightstown, inconsistent with the provisions of this ordinance, is hereby repealed to the extent of such inconsistency, only.

**Section 6. Severability.** If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

**Section 7. Enactment.** This ordinance shall become effective immediately after publication in the manner provided by law.

**Section 8. Continuation and codification.** This ordinance shall be a part of the “Revised General Ordinances of the Borough of Hightstown,” as through codified and fully set forth herein. The Borough Clerk shall have this ordinance codified and incorporated in the official copies of the Borough Code. The Borough Clerk and Borough Attorney are authorized and directed to change any chapter, article and/or section number of the “Revised General Ordinances of the Borough of Hightstown,” in the event that the codification of this ordinance reveals that there is a conflict between the numbers and the existing Code, and in order to avoid confusion and accidental repeal

of existing provisions not intended to be repealed.

Introduction: December 4, 2023

Adoption:

**ATTEST:**

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MARGARET RIGGIO, RMC, CMR  
MUNICIPAL CLERK

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SUSAN BLUTH  
MAYOR

# Ordinance 2023-21

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

**AN ORDINANCE ESTABLISHING CERTAIN REGULATIONS AND AMENDING AND SUPPLEMENTING ARTICLE 13-4, ENTITLED “ADDITIONAL HOUSING STANDARDS FOR RENTAL UNITS,” OF CHAPTER 13, “HOUSING,” OF “THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN,” IN ORDER TO ESTABLISH A NEW SECTION 13-4-11 THEREOF TO BE KNOWN AS “LEAD-BASED PAINT INSPECTION FOR RESIDENTIAL RENTAL DWELLINGS.”**

**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 lead-based paint inspections for residential rental dwellings.

**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 Article 13-4, entitled “Additional Housing Standards for Rental Units,” of Chapter 13, “Housing,” of the Borough Code, is hereby established to read as follows:

## **Chapter 13. Housing**

### **Article 13-4. Additional Housing Standards for Rental Units**

#### **§ 13-4-1. Lead-Based Paint Inspection for Residential Rental Dwellings.**

##### **A. Definitions.**

##### **BOROUGH CODE ENFORCEMENT OFFICER**

The Borough Code Enforcement Housing Officer or designee.

##### **DUST WIPE SAMPLING**

A sample collected by wiping a representative surface and tested, in accordance with a method approved by the United States Department of Housing and Urban Development (HUD) and as conducted pursuant to N.J.A.C 5:28A-2.3.

##### **LEAD ABATEMENT**

Measures designed to permanently eliminate lead-based paint hazards in accordance with standards established by the Commissioner of Community Affairs in compliance with standards promulgated by the appropriate federal agencies.

##### **LEAD ABATEMENT CONTRACTOR**

A firm certified by the New Jersey Department of Health to perform lead abatement or interim control work pursuant to N.J.A.C 5:17.

##### **LEAD ABATEMENT WORKER**

An individual certified by the New Jersey Department of Health to perform lead abatement work pursuant to N.J.A.C 8:62.

**LEAD-BASED PAINT**

Paint or other surface coating material that contains lead in excess of 1.0 milligrams per centimeter squared or in excess of 0.5 percent by weight, or such other level as may be established by Federal law.

**LEAD-BASED PAINT HAZARD**

Any condition that causes exposure to lead from lead-contaminated dust or soil or lead-contaminated paint that is deteriorated or present on surfaces would result in adverse human health effects.

**LEAD EVALUATION CONTRACTOR**

A person certified by the New Jersey Department of Community Affairs to perform lead inspection and risk assessment work pursuant to N.J.A.C. 5:171.1 et seq.

**LEAD INSPECTOR/RISK ASSESSOR**

An individual certified by the New Jersey Department of Health to perform lead inspection and risk assessment work pursuant to N.J.A.C. 8:62. This includes the ability to perform dust wipe sampling.

**LEAD-FREE CERTIFICATION**

The certificate issued in accordance with N.J.A.C. 5:17, which states that there is no lead-based paint or that the dwelling has undergone lead abatement, in accordance with N.J.A.C. 5:17.

**LEAD-SAFE CERTIFICATION**

The certification issued pursuant to N.J.A.C. 5:28A, which confirms that a periodic lead-based paint inspection was performed, and no lead-based paint hazards were found. This certification is valid for two years from the date of issuance, in accordance with N.J.A.C. 5:28A-2.4.

**LEAD FREE**

A dwelling that has been found to have no outstanding lead-based paint hazards. It does not mean that the dwelling is certified to be lead free.

**LEAD SAFE**

A dwelling that has been found to have no outstanding lead-based paint hazards. It does not mean that the dwelling is certified to be lead free.

**MUNICIPAL LEAD INSPECTOR**

A lead evaluation contractor retained by the Borough.

**PERIODIC LEAD-BASED PAINT INSPECTION**

The initial inspection of all applicable dwelling units at the earlier of two years from the effective date of P.L. 2021, c. 182, (July 22, 2022)(N.J.S.A. 52:27D-437.6), or tenant turnover and , thereafter, the earlier of three years or upon tenant turnover, consistent with

N.J.A.C 5:28A-2.1, for the purposes of identifying lead-based paint hazards in dwellings subject to this Article.

## **REMEDIATION**

Interim controls or lead abatement work undertaken in conformance with this Article to address lead-based paint hazards.

## **TENANT TURNOVER**

The time at which all existing occupants vacate a dwelling unit and all new tenants move into the dwelling unit or the time at which a new tenant enters a vacant dwelling unit.

## **VISUAL ASSESSMENT**

A visual examination for deteriorated paint or visible surface dust, debris, or residue, and as conducted pursuant to N.J.A.C. 5:28A-2.3.

### **B. Applicability.**

- (1) All rental single-family, two-family, and multiple dwelling units must be inspected for lead-based paint hazards in accordance with this Article except for the following:
  - (a) Dwellings constructed during or after 1978.
  - (b) Single-family and two-family seasonal rental dwelling units that are rented for less than six months duration each year by tenants that do not have consecutive lease renewals.
  - (c) Dwelling units that have been certified to be free of lead-based paint pursuant to N.J.A.C. 5:17.
  - (d) Multiple rental dwelling units constructed prior to 1978 that have been registered with the Department of Community Affairs for at least 10 years and have no outstanding paint violations from the most recent cyclical inspection.

### **C. Lead-Based Paint Inspections.**

- (1) All applicable inspections shall apply to interior spaces within dwellings. This is interpreted to include any common areas that tenants of a rental dwelling have access to, including hallways and basements, in two-family and multiple dwelling rentals. Dust wipe samplings are required for all lead-based paint inspections.
- (2) Initial Inspection. The owner shall have every dwelling unit as defined under this Article, inspected for lead-based paint hazards upon tenant turnover or within two years of the effective date of P.L. 2021, c.182, July 22, 2022, whichever is sooner. The first inspection must take place no later than July 22, 2024.
- (3) Subsequent Inspection. After initial inspection, the owner shall have all such dwelling units inspected for lead-based paint hazards every three years or upon

tenant turnover after 2 years. An inspection shall not be required at tenant turnover, if it occurs within the two years of a valid lead-safe certification for the dwelling unit.

- (4) Every owner of a dwelling unit subject to this Article shall be responsible for obtaining the required inspection. The owner is to directly hire and pay for the lead evaluation contractor to conduct the periodic lead-based paint inspections for lead-based paint. Inspections shall be conducted pursuant to N.J.A.C. 5:28A-2.3.
- (5) The Code Enforcement Office will provide a list of lead evaluation contractors certified by the New Jersey Department of Community Affairs to perform lead inspection and risk assessment work pursuant to N.J.A.C. 5:171.1 et seq. to owners who request it.

#### **D. Borough Facilitated Inspection.**

A municipal lead inspector designated by the Borough shall be authorized and empowered to conduct periodic lead-based paint inspections for all applicable rental dwelling units in accordance with N.J.S.A 52:27D-437.16 and N.J.A.C. 5:28A-1.1 et seq.

- (1) Notice of Inspection.
  - (a) Request for Borough facilitated initial inspections must be submitted in writing by the property owner prior to April 1, 2024 or a minimum of 20 business days prior to the scheduled date of tenant turnover. It is the responsibility of the property owner to schedule inspections.
  - (b) Request for Borough facilitated periodic inspections must be submitted in writing by the property owner a minimum of 20 business days prior to the scheduled date of tenant turnover or expiration of the required three year inspection period.
- (2) Inspection fees.
  - (a) \$500 base fee for a one bedroom dwelling plus \$50 for each additional bedroom in the unit plus a 15% administration fee.
  - (b) Inspection fees shall not apply if the property owner hires a private lead evaluation contractor who meets the qualifications of the New Jersey Department of Community Affairs.
- (3) Every inspection for which the landlord, tenant, owner or agent has failed to provide access for inspection shall be deemed a failed inspection and the inspection fees shall be forfeited. If an owner desires to cancel an inspection, a written notice of cancellation must be provided to the Borough a minimum of 48 business hours in advance of the scheduled inspection. Business hours are Monday - Friday, 8:30 AM through 4:30 PM, excluding holidays.

#### **E. Owner Option to Designate a Private Lead Evaluation Contractor.**

- (1) A dwelling owner or landlord may hire a private lead evaluation contractor certified to provide lead paint inspections services in accordance with N.J.S.A. 52:27D-437.1 et seq., to conduct lead paint inspections and provide lead-safe or lead-free certificates in lieu of obtaining a Borough facilitated inspection. Dust wipe samplings are required for all lead-based paint inspections.
- (2) The Borough retains the authority to prohibit an owner from directly hiring a private lead evaluation contractor to conduct a periodic lead-based pain inspection where:
  - (a) The owner previously opted to hire a lead evaluation contractor to perform the periodic lead-based paint inspection and failed to have the inspection completed.
  - (b) The Borough determines there is a conflict of interest between the owner and their lead evaluation contractor of choice.
- (3) If the Borough restricts the owner from directly hiring a private lead evaluation contractor, the Borough shall provide written notice to the owner that a Borough facilitated inspection is required with applicable fees.

**F. Lead Safe Certificate.**

If no lead-based paint hazards are identified upon inspection, the Licensed Lead Inspector/Risk Assessor or Contractor shall certify the dwelling as lead-safe on the form prescribed from the Department of Community Affairs.

- (1) A lead-safe certificate shall be valid for two years from the date of issuance.
  - (a) If, during the two-year certification period, a lead evaluation contractor, lead inspector/risk assessor, or a local health department conducts an independent inspection or risk assessment and determines that there is lead-based paint hazard, the lead-safe certification issued pursuant to this Article in accordance with N.J.A.C. 5:28A shall be invalid.
  - (b) The lead-safe certification shall not exempt the dwelling from any other law that would require a lead inspection/risk assessment.
- (2) Filing fee for certifications issued following inspections.
  - (a) Lead-safe or lead-free certification: \$50 per dwelling unit.

This fee shall include a \$20 per unit assessment in accordance with N.J.S.A. 52:27D-437.16(h).
  - (b) Lead-safe or lead-free certifications dated prior to the effective date of Section 13-4-11 shall be assessed a fee of \$20 per unit In accordance with N.J.S.A. 52:27D-437.16(h).

- (3) A copy of the lead-safe certificate shall be filed with the Borough Code Enforcement Officer.

**G. Identification of a Lead-Based Paint Hazard.**

- (1) If lead-based paint hazards are identified upon inspection, the inspector shall notify the Department of Community Affairs for review of the findings, in accordance with the Lead Hazard Control Assistance Act.
- (2) If the lead-based paint hazard is identified in an inspection of one of the dwelling units in a building consisting of two or more dwelling units, then the lead contractor shall inspect the remainder of the building's dwelling units, with the exception of those dwelling units that have been certified to be free of lead-based paint or which have a valid lead-safe certification.

**H. Responsibility for Remediation of Lead-Based Paint Hazards.**

The owner of the dwelling unit shall be responsible for remediation of the lead-based paint hazard. Remediation and any re-inspections required following remediation must be conducted consistent with N.J.A.C. 5:28A-2.5. Documentation of such remediation shall be provided to the Borough Code Enforcement Officer.

**I. Owner Responsibility.**

- (1) The owner of the dwelling that is subject to this Article shall provide the tenant and Borough evidence of a valid lead-safe certification obtained pursuant to this Article at the time of tenant turnover. The owner shall also affix a copy of any such certification as an exhibit to the tenant's lease.
- (2) The owner shall notify the Borough in writing to schedule the lead paint hazard inspection.
- (3) The owner of a multiple dwelling that is subject to this Article shall provide evidence of the most recent tenant turnover, at the time of any cyclical inspection performed pursuant to the Hotel and Multiple Dwelling Law, N.J.S.A. 55:13A-1 et seq.
- (4) The owner of a dwelling that is subject to this Article shall maintain a record of the lead-safe certification, which shall include the name or names of a unit's tenants, if the inspection was conducted during a period of tenancy.
- (5) The owner of any dwelling subject to this Article shall inform the Borough Code Enforcement Officer of all tenant turnover activity to ensure any required inspection may be scheduled.
- (6) The owner of a dwelling shall provide a copy of this Article, and any lead-safe certifications issued pursuant thereto, along with the accompanying guidance document, "Lead-Based Paint in Rental Dwellings," to any prospective owners of the dwelling during a real estate transaction, settlement, or closing.

**J. Violations and Penalties.**

- (1) Pursuant to N.J.S.A. 52:27D-437.6 and N.J.A.C. 5-28A-4.1, the Borough Code Enforcement Officer is authorized to conduct investigations and issue penalties in order to enforce an owner's failure to comply with this Article.
- (2) A property owner/landlord shall comply with the requirements of P.L. 2021, c. 182 and this chapter. If a Borough Code Enforcement Officer determines that a property owner has failed to comply with the inspection requirements of this chapter, the property owner shall be given a thirty-day notice to cure any violation by ordering the necessary inspection or by initiating any required remediation. If the dwelling owner has not cured the violation within 30 days, the owner shall be subject to a penalty not to exceed \$1,000 per week until the required inspection has been conducted or remediation efforts initiated. Remediation efforts shall be considered to be initiated when the dwelling owner has hired a lead abatement contractor or other qualified party to perform lead-hazard control methods.
- (3) Any other violation of the provisions of this chapter shall be subject to a fine of not less than \$50 nor more than \$500 for each offense.

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.

Introduced: December 4, 2023

Adopted:

ATTEST:

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MARGARET RIGGIO  
MUNICIPAL CLERK

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SUSAN BLUTH  
MAYOR

# Ordinance 2023-22

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

**BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO THE SLUICE GATE IN  
AND BY THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW  
JERSEY, APPROPRIATING \$65,000 THEREFOR AND AUTHORIZING THE  
ISSUANCE OF \$61,800 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART  
OF THE COST THEREOF.**

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

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Borough of Hightstown, in the County of Mercer, New Jersey (the "Borough") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$65,000, including the sum of \$3,200 as the down payment required by the Local Bond Law. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$61,800 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is improvements to the sluice gate, including all work and materials necessary therefor and incidental thereto.

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

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

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date, unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The bond anticipation notes shall bear

interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law or other applicable law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

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

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

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

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

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$61,800, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$19,000 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 the Treasury Regulations.

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

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

Section 10. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable 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.

Introduction: December 4, 2023

Adoption:

ATTEST:

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MARGARET RIGGIO  
MUNICIPAL CLERK

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SUSAN BLUTH  
MAYOR

# Ordinance 2023-23

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

**BOND ORDINANCE PROVIDING FOR THE REBUILDING OF THE ROTOPRESS  
FOR THE WATER/SEWER UTILITY IN AND BY THE BOROUGH OF HIGHTSTOWN,  
IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$118,000  
THEREFOR AND AUTHORIZING THE ISSUANCE OF \$112,300 BONDS OR NOTES  
OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.**

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

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Borough of Hightstown, in the County of Mercer, New Jersey (the "Borough") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$118,000, including the sum of \$5,700 as the down payment required by the Local Bond Law. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$112,300 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 the rebuilding of the rotopress for the Water/Sewer Utility, including all work and materials necessary therefor and incidental thereto.

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

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

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date, unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The bond anticipation notes shall bear

interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law or other applicable law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

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

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

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

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

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$112,300, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$6,000 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 the Treasury Regulations.

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

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

Section 10. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable 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.

Introduction: December 4, 2023

Adoption:

ATTEST:

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MARGARET RIGGIO  
MUNICIPAL CLERK

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SUSAN BLUTH  
MAYOR

# Resolution 2023-224

*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 \$292,076.23 from the following accounts:

Current		\$137,732.94	
W/S Operating		30,687.71	
General Capital		120,557.38	
Water/Sewer Capital		0.00	
Grant		0.00	
Trust		0.00	
Unemployment Trust		0.00	
Animal Control		608.20	
Law Enforcement Trust		0.00	
Tax Lien Trust		0.00	
Housing Trust		0.00	
Public Defender Trust		338.50	
Escrow		<u>2,151.50</u>	
Total		<u>\$292,076.23</u>	

## CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on December 18, 2023.

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Margaret Riggio  
Borough Clerk

**Re: Manual Bill List for 12/18/23**

CURRENT ACCOUNT	DATE ISSUED	PO #	CHECK #	Amount
JANINE M. KRUPA	12/6/2023	23-01567	36337	\$ 2,364.82
TREASURER, STATE OF NJ/2003 DRI	12/8/2023	23-01324	1594	\$ 4,962.73
TOTAL				\$ 7,327.55
<u>WATER AND SEWER OPERATING</u>				
TOTAL				\$ -
<u>ESCROW</u>				
TOTAL				\$ -
<u>GRANT</u>				
TOTAL				\$ -
<u>TRUST- OTHER</u>				
TOTAL				\$ -
<u>ANIMAL CONTROL TRUST</u>				
TOTAL				\$ -
<u>LAW ENFORCEMENT TRUST</u>				
TOTAL				\$ -
<u>UNEMPLOYMENT TRUST</u>				
TOTAL				\$ -
<u>PUBLIC DEFENDER TRUST</u>				
TOTAL				\$ -
<u>TAX LIEN TRUST</u>				
TOTAL				\$ -
<u>GENERAL CAPITAL</u>				
TRI STATE ENVIRONMENTAL SVCS	11/30/2023	23-01140	6565	\$ 95,632.58
TOTAL				\$ 95,632.58
<u>WATER AND SEWER CAPITAL</u>				
TOTAL				\$ -
MANUAL TOTAL				\$ 102,960.13

P.O. Type: All		Include Project Line Items: Yes			Open: N		Paid: N		Void: N		
Range: First		to Last			Rcvd: Y		Held: Y		Aprv: N		
Format: Detail without Line Item Notes					Bid: Y		State: Y		Other: Y    Exempt: Y		
Vendors: All		Include Non-Budgeted: Y									
Rcvd Batch Id Range: First		to Last									
Vendor #	Name										
PO #	PO Date	Description	Contract	PO Type			First	Rcvd	Chk/Void		1099
Item Description		Amount	Charge Account	Acct Type Description		Stat/Chk	Enc Date	Date	Date	Invoice	Excl
1STCH005 1ST CHOICE SAFETY EQUIPMENTLLC											
23-01346 10/25/23 CAIRNS N5A BLACK HELMET											
1 CAIRNS N5A BLACK LEATHER		1,175.00	3-01-25-256-002-043	B Uniforms		R	10/25/23	12/13/23		B0012041	N
Vendor Total:		1,175.00									
AFFOR005 AFFORDABLE FUNERAL SUPPLY LLC											
23-01542 12/01/23 WATER RECOVERY MESH BODY BAG											
1 WATER RECOVERY MESH BODY BAG		234.00	3-01-25-252-002-173	B Fire Dept Dive Team		R	12/01/23	12/13/23		INV83882	N
2 SHIPPING		20.28	3-01-25-252-002-173	B Fire Dept Dive Team		R	12/13/23	12/13/23		INV83882	N
		254.28									
Vendor Total:		254.28									
A0510 ALL HANDS FIRE EQUIPMENT LLC											
23-01539 12/01/23 DARTS & BEACONS											
1 FORCE 6 MINI DART THROW BAG		75.90	3-01-25-252-002-173	B Fire Dept Dive Team		R	12/01/23	12/13/23		INV19862	N
2 PRINCETON TEC MERDIAN BEACON/		341.88	3-01-25-252-002-173	B Fire Dept Dive Team		R	12/01/23	12/13/23		INV19862	N
3 SHIPPING		26.99	3-01-25-252-002-173	B Fire Dept Dive Team		R	12/01/23	12/13/23		INV19862	N
		444.77									
Vendor Total:		444.77									
A1014 APPROVED FIRE PROTECTION, INC.											
23-01594 12/08/23 QUOTE #00030207											
1 GAS METER CALIBRATION		150.00	3-09-55-501-002-503	B Sewer Plant Maintenance		R	12/08/23	12/13/23		IN00089846	N
2 LABOR-INSP-GAS MONITORING		39.88	3-09-55-501-002-503	B Sewer Plant Maintenance		R	12/08/23	12/13/23		IN00089846	N
		189.88									
Vendor Total:		189.88									

Vendor #	Name	PO #	PO Date	Description	Contract	PO Type	Amount	Charge Account	Acct Type	Description	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date	Invoice	1099 Excl

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
COMCA005 COMCAST BUSINESS Continued												
23-01614	12/12/23 8499 05 243 0036659 OFC1											
1	8499 05 243 0036659 OFC1	306.17		3-01-20-140-001-060	B	Internet Services and Web Services	R	12/12/23	12/13/23		DEC 2023	N
Vendor Total:		424.34										
COMPL005 COMPLETE CONTROL SERVICES, INC												
23-01544	12/01/23 WELL #3 SERVICE AND REPAIR											
1	INV I4905	1,675.00		3-09-55-501-001-503	B	Water Plant Maintenance	R	12/01/23	12/13/23		I4905	N
Vendor Total:		1,675.00										
CONCE005 CONCENTRA MEDICAL CENTERS												
23-01569	12/06/23 PHYSICAL EXAM D.MINOR 11/21/23											
1	PHYSICAL EXAM D.MINOR 11/21/23	213.00		3-01-26-290-001-093	B	Employee Physicals/Drug Tests	R	12/06/23	12/13/23		516133272	N
Vendor Total:		213.00										
C0222 CONTINENTAL FIRE & SAFETY, INC.												
23-01405	11/03/23 PARATECH RATCHET BELT P4278											
1	PARATECH RATCHET BELT P4278	296.40		3-01-25-252-002-056	B	Fire & Other Safety Equipment	R	11/03/23	12/13/23		P4278	N
2	RETURN CHAIN BINDERS	157.00		3-01-25-252-002-056	B	Fire & Other Safety Equipment	R	11/03/23	12/13/23		P4278	N
		139.40										
Vendor Total:		139.40										
C0087 CUSTOM BANDAG, INC												
23-01511	11/28/23 FLAT REPAIR TRK#66											
1	INV 80228458-FLAT REPAIR TRK66	83.32		3-01-26-315-001-132	B	Vehicle Maint. - Public Works	R	11/28/23	12/13/23		80228458	N
23-01597	12/08/23 TIRE REPAIR ON TRK #10											
1	INV 80229199-TIRE REPLACEMENT	1,178.55		3-01-26-315-001-132	B	Vehicle Maint. - Public Works	R	12/08/23	12/13/23		80229199	N
Vendor Total:		1,261.87										

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
DASTI005	DASTI, MURPHY & MCGUCKIN, P.C.	23-01606	12/08/23	INV 123770 MUNI COURT APPEAL									
		1 INV	123770	MUNI COURT APPEAL	52.50	3-01-20-155-001-027	B General Matters	R	12/08/23	12/13/23		123770	N
	Vendor Total:				52.50								
DEBLO005	DEBLOCK ENVIRONMENTAL SVCS,LLC	23-00137	02/06/23	BACK UP OPERATOR FOR AWWTP		B							
		10 INV	00010424	11/30/23	500.00	3-09-55-501-002-528	B Outside Consulting Services (B	R	12/04/23	12/13/23		00010424	N
	Vendor Total:				500.00								
Q0176	EUROFINS QC, LLC	23-01536	12/01/23	WATER ANALYSIS									
		1 INV	6300050939	-WATER ANALYSIS	103.50	3-09-55-501-001-535	B Hydrants and Line Repair	R	12/01/23	12/13/23		6300050939	N
		2 INV	6300051240	-WATER ANALYSIS	247.50	3-09-55-501-001-535	B Hydrants and Line Repair	R	12/01/23	12/13/23		6300051240	N
		3 INV	6300051489	-WATER ANALYSIS	247.50	3-09-55-501-001-535	B Hydrants and Line Repair	R	12/01/23	12/13/23		6300051489	N
					598.50								
		23-01595	12/08/23	WATER ANALYSIS									
		1 INV	6300051607	-WATER ANALYSIS	247.50	3-09-55-501-001-532	B Outside Testing/Labs	R	12/08/23	12/13/23		6300051607	N
	Vendor Total:				846.00								
EVERB005	EVERBRIDGE, INC	23-01260	10/04/23	MASS NOTIFICATION BASE 36MOS									
		1	MASS NOTIFICATION BASE 36MOS	5,000.00	3-01-20-140-001-060	B Internet Services and Web Services	R	10/04/23	12/13/23			M78723	N
		2	RESIDENT CONNECTION	531.00	3-01-20-140-001-060	B Internet Services and Web Services	R	10/04/23	12/13/23			M78723	N
		3	SMART WEATHER ALERTING	0.00	3-01-20-140-001-060	B Internet Services and Web Services	R	10/04/23	12/13/23			M78723	N
		4	CALCULATED SET UP FEE	442.48	3-01-20-140-001-060	B Internet Services and Web Services	R	10/04/23	12/13/23			M78723	N
				5,973.48									
	Vendor Total:				5,973.48								
FIREA005	FIRE APPARATUS REPAIR, INC.	23-01482	11/17/23	PM SERVICE ON LADDER 41									
		1	FULL CHASSIS SVC W/INSPECTION	1,050.00	3-01-25-252-002-121	B Preventive Maintenance	R	11/17/23	12/13/23			17588	N
		2	PERFORM FULL PUMP INSP & SVC	520.00	3-01-25-252-002-121	B Preventive Maintenance	R	11/17/23	12/13/23			17588	N

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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												
		23-01553	12/04/23	DECEMBER 2023 HPD RENT									
		1	DECEMBER 2023	HPD RENT	4,953.03	3-01-26-310-001-025	B Building Rental	R	12/04/23	12/13/23		DECEMBER 2023	N
				Vendor Total:	4,953.03								
HILLW005	HILL-WALLACK, LLP												
		23-01607	12/11/23	LEGAL INVOICES NOVEMBER 2023									
		1	GENERAL MATTERS		3,499.50	3-01-20-155-001-027	B General Matters	R	12/11/23	12/13/23		741388	N
		2	ENGINEERING MATTERS		82.50	3-01-20-165-001-028	B General Engineering	R	12/11/23	12/13/23		741387	N
		3	ORDINANCES		828.00	3-01-20-155-001-027	B General Matters	R	12/11/23	12/13/23		741386	N
		4	HIGHTSTOWN ADV. PRESBYTERIAN		126.00	3-01-20-155-001-027	B General Matters	R	12/11/23	12/13/23		741385	N
		5	LITIGATION MATTERS		148.50	3-01-20-155-001-033	B Litigation	R	12/11/23	12/13/23		741384	N
		6	SHARED SERVICES AGREEMENT		247.50	3-01-20-155-001-027	B General Matters	R	12/11/23	12/13/23		741383	N
					4,932.00								
		23-01609	12/11/23	Billing through 11/30/2023									
		1	Corres & rev cannabis ordinanc		1,072.50	2022-06	P 480 MERCER STREET WAREHOUSE	R	12/11/23	12/13/23		741382	N
				Vendor Total:	6,004.50								
H1100	HOME DEPOT CREDIT SERVICES												
		23-01533	12/01/23	MISC. SUPPLIES/PARTS									
		1	INV 3900589-125V CONNECTOR		19.86	3-01-25-260-001-034	B Vehicle Repair	R	12/01/23	12/13/23		3900589	N
		2	INV 7026364-36" UNGER,		109.54	3-01-26-290-001-199	B Miscellaneous	R	12/01/23	12/13/23		7026364	N
		3	INV 7080795-BLEACH		35.12	3-09-55-501-001-503	B Water Plant Maintenance	R	12/01/23	12/13/23		7080795	N
		4	INV 1610566-EXT CORD, WHT&BLK		18.96	3-01-25-240-001-116	B Traffic Bureau	R	12/01/23	12/13/23		1610566	N
					183.48								
		23-01545	12/01/23	CEILING TILES AND TOILET SEAT									
		1	INV 8020351-TOILET SEAT		39.98	3-01-26-310-001-024	B Building Maintenance	R	12/01/23	12/13/23		8020351	N
		2	INV 8525511-TOILET SEAT EL		30.98	3-01-26-310-001-024	B Building Maintenance	R	12/01/23	12/13/23		8525511	N
		3	CREDIT 8213060-TOILET SEAT EL		30.98	3-01-26-310-001-024	B Building Maintenance	R	12/01/23	12/13/23		8213060	N
		4	INV 0042883-CEILING TILES		51.45	3-01-26-310-001-024	B Building Maintenance	R	12/01/23	12/13/23		0042883	N
					91.43								
				Vendor Total:	274.91								

Vendor #	Name	PO #	PO Date	Description	Amount	Contract	PO Type	Charge Account	Acct Type	Description	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date	Invoice	1099 Excl
INTER015 INTERSTATE WASTE SERVICES OF																
23-00006	01/17/23	MUNICIPAL RECYCLING					B									
14	MUNICIPAL RECYCLING INV9329957				12,125.58	3-01-26-311-001-029		B Recycling Contract co-mingle-paper/cdbd	R		11/29/23	12/13/23			9329957	N
Vendor Total:					12,125.58											
J0010 JAMMER DOORS																
23-01549	12/01/23	LABOR FOR REPAIR														
1	INV 44455-LABOR TO PUT BOTTOM				199.00	3-01-26-310-001-024		B Building Maintenance	R		12/01/23	12/13/23			44455	N
Vendor Total:					199.00											
J0257 JCP&L																
23-01582	12/07/23	VARIOUS ACCTS NOVEMBER 2023														
1	100 147 941 080	MERCER ST			3.83	3-01-31-430-001-071		B Electric-Borough Hall	R		12/07/23	12/13/23			95537687846	N
2	100 079 096 689	GRANT PARK			4.74	3-01-31-430-001-071		B Electric-Borough Hall	R		12/07/23	12/13/23			95537687845	N
3	100 068 401 122	ROGERS AVE			36.05	3-01-31-430-001-071		B Electric-Borough Hall	R		12/07/23	12/13/23			95537687844	N
4	100 012 445 936	FIRST AID			461.06	3-01-31-430-001-073		B Electric-Emergency Med	R		12/07/23	12/13/23			95397798841	N
5	100 131 110 379	MERCER ST			9.46	3-01-31-430-001-071		B Electric-Borough Hall	R		12/11/23	12/13/23			95567641042	N
6	100 051 508 750	STOCKTON ST			218.68	3-01-31-430-001-071		B Electric-Borough Hall	R		12/11/23	12/13/23			95567641039	N
7	100 051 508 677	MAIN ST			160.51	3-01-31-430-001-071		B Electric-Borough Hall	R		12/11/23	12/13/23			95567641038	N
8	100 072 968 868	ROGERS & MAIN			52.82	3-01-31-430-001-071		B Electric-Borough Hall	R		12/11/23	12/13/23			95697416781	N
					947.15											
23-01612	12/11/23	MASTER ACCT 200 000 055 364														
1	100 008 438 010	125 S MAIN ST			14.67	3-01-31-430-001-071		B Electric-Borough Hall	R		12/11/23	12/13/23			95019629043	N
2	100 008 438 283	MAIN&STOCKTON			32.54	3-01-31-430-001-071		B Electric-Borough Hall	R		12/11/23	12/13/23			95019629043	N
3	100 008 482 018	RT33& MAXWELL			29.96	3-01-31-430-001-071		B Electric-Borough Hall	R		12/11/23	12/13/23			95019629043	N
4	100 010 898 904	FRANKLIN ST &			34.89	3-01-31-430-001-071		B Electric-Borough Hall	R		12/11/23	12/13/23			95019629043	N
5	100 012 487 714	148 N MAIN ST			606.44	3-01-31-430-001-071		B Electric-Borough Hall	R		12/11/23	12/13/23			95019629043	N
6	100 012 487 862	FIREHOUSE			810.59	3-01-31-430-001-072		B Electric-Fire House	R		12/11/23	12/13/23			95019629043	N
7	100 012 529 457	BOROHALL EQUIP			31.31	3-09-55-501-002-504		B Electricity	R		12/11/23	12/13/23			95019629043	N
					1,560.40											
23-01616	12/13/23	MASTER ACCT 200 000 055 315														
1	100 008 482 778	MAXWELL AVE			34.84	3-09-55-501-002-504		B Electricity	R		12/13/23	12/13/23			95019637578	N
2	100 009 294 701	WESTERLEA AVE			21.92	3-09-55-501-001-504		B Electricity	R		12/13/23	12/13/23			95019637578	N
3	100 012 445 746	BANK ST			4,803.55	3-09-55-501-001-504		B Electricity	R		12/13/23	12/13/23			95019637578	N

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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
MICHA020 MICHAEL BOLLENTIN												
23-01437	11/14/23		REIMBURSEMENT FOR REGISTRATION									
1			REIMBURSEMENT FOR REGISTRATION	320.00	3-01-27-335-001-044	B Professional Assoc. Dues	R	11/14/23	12/13/23		10/2/2023	N
Vendor Total:				320.00								
M0760 MILLER FORD SALES												
23-01379	10/31/23		EMS OIL LEAK/BOOST ISSUES FORD									
1			EMS OIL LEAK/BOOST ISSUES FORD	2,353.50	3-01-26-315-001-134	B Vehicle Maint.-EMS	R	10/31/23	12/13/23		36025216/3	N
2			EMS OIL LEAK/BOOST ISSUES FORD	521.42	3-01-26-315-001-134	B Vehicle Maint.-EMS	R	10/31/23	12/13/23		36025216/3	N
3			EMS OIL LEAK/BOOST ISSUES FORD	45.77	3-01-26-315-001-134	B Vehicle Maint.-EMS	R	10/31/23	12/13/23		36025216/3	N
4			EMS OIL LEAK/BOOST ISSUES FORD	1.00	3-01-26-315-001-134	B Vehicle Maint.-EMS	R	10/31/23	12/13/23		36025216/3	N
				2,921.69								
Vendor Total:				2,921.69								
M0127 MONMOUTH COUNTY												
23-01591	12/08/23		NOV 2023 ROOSEVELT TIPPING									
1			NOV 2023 ROOSEVELT TIPPING	2,568.00	3-01-43-513-001-171	B Borough of Roosevelt-Tipping Fees	R	12/08/23	12/13/23		NOV 2023	N
Vendor Total:				2,568.00								
M0143 MSM SERVICE CO.												
23-01463	11/17/23		FIRST AID KIT REPLENISHMENT									
1			INV D3213-DPW FIRST AID REFILL	116.88	3-01-26-310-001-199	B Miscellaneous	R	11/17/23	12/13/23		D3213	N
23-01473	11/17/23		1ST AID SUPPLIES FOR HPD									
1			1ST AID SUPPLIES FOR HPD	79.05	3-01-25-240-001-116	B Traffic Bureau	R	11/17/23	12/13/23		D3212	N
Vendor Total:				195.93								
NICH0005 NICHOLAS MITCHELL												
23-01546	12/01/23		CLOTHING REIMBURSEMENT									
1			CLOTHING REIMBURSEMENT/BOOTS	69.99	3-09-55-501-001-507	B Uniforms & Safety Equipment	R	12/01/23	12/13/23		452561	N
Vendor Total:				69.99								



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	Invoice	Excl
QUADI005 QUADIENT, INC.												
23-01584	12/08/23 INV Q1084126	12/29/23-3/28/24										
1	INV Q1084126	12/29/23-3/28/24	441.57	3-01-30-421-001-029	B	Meter Rental/Maintance	R	12/08/23	12/13/23		Q1084126	N
Vendor Total:		441.57										
R0077 ROBERTS ENGINEERING GRP LLC												
23-01530	11/29/23 Billing through	11/25/2023										
1	Rev MCPB sub & LOMR approval	337.50	3-01-21-180-001-106	B	Planning Board Engineer-General	R	11/29/23	12/13/23		8034		N
23-01531	11/30/23 MISC REQUESTS OCT 23	INV 8040										
1	MISC REQUESTS	80.00	3-01-20-165-001-028	B	General Engineering	R	12/04/23	12/13/23		8040		N
23-01610	12/11/23 Billing through	11/25/2023										
1	Site insp & rec for Temp CO	1,025.00	HTELLC	P	Clinton Street	R	12/11/23	12/13/23		8032		N
Vendor Total:		1,442.50										
S0061 SEA BOX												
23-01550	12/01/23 BICON RENTAL											
1	INV RI107983-BICON RENTAL	75.00	3-01-26-310-001-025	B	Building Rental	R	12/01/23	12/13/23		RI107983		N
Vendor Total:		75.00										
SIGNI005 SIGNIT												
23-01521	11/28/23 VINYL GRAPHICS											
1	SUPPLY & INSTALLVINYL GRAPHICS	450.00	3-01-25-260-001-199	B	Miscellaneous	R	11/28/23	12/13/23		4977		N
2	REMOVE ADHESIVE INV 4977	50.00	3-01-25-260-001-199	B	Miscellaneous	R	11/28/23	12/13/23		4977		N
		500.00										
Vendor Total:		500.00										
S0039 SOUTH BRUNSWICK RECYCLING												
23-01618	12/13/23 INV 51123-LOAD OUT	CONCRETE										
1	INV 51123-LOAD OUT CONCRETE	100.00	3-09-55-501-001-535	B	Hydrants and Line Repair	R	12/13/23	12/13/23		51123		N
Vendor Total:		100.00										

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
S0256 STALKER RADAR												
23-01245	10/03/23	SPEED SIGN/TRAILER & KEYBOARD										
1	PMG 15 INCH DISPLAY W/TRAFFIC	8,574.00	C-04-55-900-003-444	B STALKER SPECIAL SIGNS	R	10/03/23	12/13/23		429928		N	
2	PMG PACKPACK BATTERY KIT	360.00	C-04-55-900-003-444	B STALKER SPECIAL SIGNS	R	10/03/23	12/13/23		429928		N	
3	SAM TRAILER QUOTE 2075703	9,270.00	C-04-55-900-003-444	B STALKER SPECIAL SIGNS	R	10/03/23	12/13/23		427329		N	
4	KEYBOARD FOR MC360 TRAILER	219.00	C-04-55-900-003-444	B STALKER SPECIAL SIGNS	R	10/03/23	12/13/23		427016		N	
5	SHIPPING & HANDLING KEYBOARD	20.00	C-04-55-900-003-444	B STALKER SPECIAL SIGNS	R	10/03/23	12/13/23		427016		N	
		18,443.00										
	Vendor Total:	18,443.00										
TELCO005 TELCO BILL CENTER INC.												
23-01412	11/03/23	POTSOLVE RECURRING CHARGES										
1	POTSOLVE RECURRING CHARGES	401.25	3-01-31-440-001-085	B Telephone-Block Line Systems, LLC LSI	R	11/03/23	12/13/23		2561		N	
	Vendor Total:	401.25										
T0972 TIMBERWOLF TREE SERVICE												
23-01416	11/03/23	TREE WORK										
1	TREE REMOVAL - QUOTE 7046	3,400.00	3-01-26-290-001-129	B Maint.& Replace-Street Trees	R	11/03/23	12/13/23				N	
23-01617	12/13/23	REMOVE TREES OAK LN EST 7073										
1	REMOVE TREES OAK LN EST 7073	3,000.00	3-09-55-501-002-503	B Sewer Plant Maintenance	R	12/13/23	12/13/23		4025		N	
	Vendor Total:	6,400.00										
T0060 TOWNSHIP OF ROBBINSVILLE												
23-01565	12/06/23	COURT SHARED SVCS 4TH QTR 2023										
1	COURT SHARED SVCS 4TH QTR 2023	22,416.78	3-01-20-176-000-199	B Miscellaneous	R	12/06/23	12/13/23		QTR 4 2023		N	
2	PROSECUTOR 4TH QTR 2023	5,115.00	3-01-20-176-000-199	B Miscellaneous	R	12/06/23	12/13/23		QTR 4 2023		N	
3	PUBLIC DEFENDER 4TH QTR 2023	1,761.50	3-01-20-176-000-199	B Miscellaneous	R	12/06/23	12/13/23		QTR 4 2023		N	
4	PDEF (OCT) 4TH QTR 2023	338.50	T-17-56-286-000-837	B RESERVE-PUBLIC DEFENDER	R	12/06/23	12/13/23		QTR 4 2023		N	
5	PDEF CONFLICT 4TH QTR 2023	300.00	3-01-20-176-000-199	B Miscellaneous	R	12/06/23	12/13/23		QTR 4 2023		N	
6	USE OF FACILITIES Q4 2023	18,000.00	3-01-26-310-001-025	B Building Rental	R	12/06/23	12/13/23		QTR 4 2023		N	
7	ADMIN FEE	3,000.00	3-01-20-176-000-199	B Miscellaneous	R	12/06/23	12/13/23		QTR 4 2023		N	
8	POSTAGE	329.49	3-01-20-176-000-022	B Postage and Express Charges	R	12/06/23	12/13/23		QTR 4 2023		N	
9	LANGUAGE LINE	1,053.00	3-01-20-176-000-111	B Interpretor/Outside Help	R	12/06/23	12/13/23		QTR 4 2023		N	

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PO #	PO Date	Description	Amount	Charge	Account	Acct Type	Description	Enc Date	Date	Date	Invoice	Excl
T0060	TOWNSHIP OF ROBBINSVILLE	Continued										
23-01565	12/06/23	COURT SHARED SVCS 4TH QTR 2023	Continued									
10	EQUIPMENT & SUPPLIES 40%	723.88	3-01-20-176-000-111	B	Interpreter/Outside Help	R	12/06/23	12/13/23			QTR 4 2023	N
		53,038.15										
	Vendor Total:	53,038.15										
TREAS025	TREASURER, STATE OF NJ											
23-01543	12/01/23	EMERGENCY INSP FOR SEWER BREAK										
1	EMERGENCY INSP FOR SEWER BREAK	119.02	2-09-55-501-002-529	B	Sewer Main Repair/Supplies	R	12/01/23	12/13/23				N
	Vendor Total:	119.02										
T1886	TWINCO SUPPLY CO., INC											
23-01579	12/06/23	PAPER/BUILDING SUPPLIES										
1	A786-TOILET PAPER	173.20	3-01-20-125-001-035	B	Paper Products/Janitorial	R	12/06/23	12/13/23				N
2	P780B-PAPER TOWELS	423.00	3-01-20-125-001-035	B	Paper Products/Janitorial	R	12/06/23	12/13/23				N
3	L48225-BLACK TRASH BAGS	213.15	3-01-20-125-001-035	B	Paper Products/Janitorial	R	12/06/23	12/13/23				N
4	D62300-URINAL SCREENS	26.09	3-01-20-125-001-035	B	Paper Products/Janitorial	R	12/06/23	12/13/23				N
		835.44										
	Vendor Total:	835.44										
U0144	UPS											
23-01563	12/06/23	INV 0000161Y33413 HPD PICKUP										
1	INV 0000161Y33413 HPD PICKUP	15.05	3-01-25-240-001-199	B	Miscellaneous	R	12/06/23	12/13/23			0000161Y33413	N
	Vendor Total:	15.05										
U0061	USALCO, LLC											
23-00317	03/13/23	RES 2022-208 ALUMINUM SULFATE	B									
5	INV 20283657 11/1/23	6,077.00	3-09-55-501-002-542	B	Aluminum Sulfate	R	08/22/23	12/13/23			20283657	N
	Vendor Total:	6,077.00										
VCIEM005	VCI EMERGENCY VEHICLE											
23-01465	11/17/23	EMS REPAIRS 2009 F/H E450										
1	EMS REPAIRS 2009 F/H E450	1,152.20	3-01-25-260-001-034	B	Vehicle Repair	R	11/17/23	12/13/23				N

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Item	Description	Amount	Charge	Account	Acct Type	Description	Enc	Date	Date	Date	Invoice	Excl
VCIE005 VCI EMERGENCY VEHICLE Continued												
23-01465	11/17/23 EMS REPAIRS 2009 F/H E450			Continued								
2	EMS REPAIRS 2009 F/H E450	351.00		3-01-25-260-001-034	B	Vehicle Repair	R	11/17/23	12/13/23			N
		1,503.20										
Vendor Total:		1,503.20										
V0019 VERIZON												
23-01615	12/12/23 ACCT 01-46 11/30/23											
1	ACCT 01-46 11/30/23	388.68		3-01-25-240-001-060	B	INTERNET AND WEB SERVICES	R	12/12/23	12/13/23		257132741000146	N
Vendor Total:		388.68										
W0071 WASTE MGMT OF NEW JERSEY, INC.												
23-00014	01/19/23 RES 2022-202 SLUDGE EXTENSION			B								
11	INV 3166376-0502-3 12/01/23	4,677.75		3-09-55-501-002-538	B	Sludge Removal/Disposal-Waste Management	R	11/14/23	12/13/23		3166376-0502-3	N
Vendor Total:		4,677.75										
W0100 WITMER PUBLIC SAFETY GROUP INC												
23-01131	09/06/23 FIREARMS AND HOLSTERS 2023-12											
1	GLOCK MODEL 45 SEMI-AUTO 9MM	9,454.40		C-04-55-900-001-444	B	POLICE FIREARMS AND RELATED COSTS	R	09/06/23	12/13/23		INV351988	N
2	SAFARILAND LEVEL III HOLSTER	2,501.92		C-04-55-900-001-444	B	POLICE FIREARMS AND RELATED COSTS	R	09/06/23	12/13/23			N
3	SAFARILAND LEVEL III HOLSTER	625.48		C-04-55-900-001-444	B	POLICE FIREARMS AND RELATED COSTS	R	09/06/23	12/13/23			N
4	CREDIT FOR TRADE IN	6,100.00		C-04-55-900-001-444	B	POLICE FIREARMS AND RELATED COSTS	R	09/06/23	12/13/23			N
		6,481.80										
Vendor Total:		6,481.80										
ZOLLD005 ZOLL DATA SYSTEMS, INC												
23-01259	10/04/23 EMS CHARTS OCTOBER 2023											
1	EMS CHARTS GROUND BASE	140.04		3-01-25-260-001-054	B	Computer Exp/Equipmt Repairs	R	10/04/23	12/13/23		INV00154696	N
2	EMS CHART GROUND CAD IMPORT	21.22		3-01-25-260-001-054	B	Computer Exp/Equipmt Repairs	R	10/04/23	12/13/23		INV00154696	N
3	EMS CHARTS GROUND TABLET	56.23		3-01-25-260-001-054	B	Computer Exp/Equipmt Repairs	R	10/04/23	12/13/23		INV00154696	N
		217.49										
23-01559	12/06/23 EMS CHARTS DECEMBER 2023											
1	EMS CHARTS GROUND BASE	140.04		3-01-25-260-001-054	B	Computer Exp/Equipmt Repairs	R	12/06/23	12/13/23		INV00160052	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
ZOLLD005	ZOLL DATA SYSTEMS, INC	Continued										
23-01559	12/06/23	EMS CHARTS DECEMBER 2023				Continued						
2	EMS CHARTS GROUND CAD IMPORT	21.22	3-01-25-260-001-054		B	Computer Exp/Equipmt Repairs	R	12/06/23	12/13/23		INV00160052	N
3	EMS CHARTS GROUND TABLET	56.23	3-01-25-260-001-054		B	Computer Exp/Equipmt Repairs	R	12/06/23	12/13/23		INV00160052	N
		217.49										
Vendor Total:		434.98										
Total Purchase Orders:	76	Total P.O. Line Items:	190	Total List Amount:	189,116.10	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
	2-09	119.02	0.00	119.02	0.00	0.00	0.00	119.02
CURRENT FUND	3-01	130,405.39	0.00	130,405.39	0.00	0.00	0.00	130,405.39
	3-09	30,568.69	0.00	30,568.69	0.00	0.00	0.00	30,568.69
	3-21	0.00	0.00	0.00	0.00	0.00	2,151.50	2,151.50
Year Total:		160,974.08	0.00	160,974.08	0.00	0.00	2,151.50	163,125.58
GENERAL CAPITAL	C-04	24,924.80	0.00	24,924.80	0.00	0.00	0.00	24,924.80
ANIMAL CONTROL TRUST FUND #13	T-13	608.20	0.00	608.20	0.00	0.00	0.00	608.20
PUBLIC DEFENDER TRUST FUND-#17	T-17	338.50	0.00	338.50	0.00	0.00	0.00	338.50
Year Total:		946.70	0.00	946.70	0.00	0.00	0.00	946.70
Total Of All Funds:		186,964.60	0.00	186,964.60	0.00	0.00	2,151.50	189,116.10

Project Description	Project No.	Rcvd Total	Held Total	Project Total
424 Stockton Street	2022-04	54.00	0.00	54.00
480 MERCER STREET WAREHOUSE	2022-06	1,072.50	0.00	1,072.50
Clinton Street	HTELLC	1,025.00	0.00	1,025.00
Total of All Projects:		2,151.50	0.00	2,151.50

# Resolution 2023-225

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

## **APPOINTING AND AUTHORIZING AGREEMENTS FOR EMERGENCY AND ON-CALL SERVICES FOR WATER & SEWER UTILITIES**

**WHEREAS**, Three (3) bids were received for Emergency and On-Call Services for Water and Sewer Utilities on November 3, 2023; and

**WHEREAS**, the bids were prepared so a pool of contractors be created who were available for emergency and on-call work for water and sewer utilities;

**WHEREAS**, the Borough Council wishes to appoint the following contractors for emergency and on-call services for water and sewer utilities for 2024 and 2025:

Waters & Bugbee, Inc, Hamilton, New Jersey

Earle Asphalt Company, Farmingdale, New Jersey

**WHEREAS**, the cost for the proposed services shall be determined by project on an as needed basis.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Hightstown that the Mayor is authorized to execute and the Borough Clerk to attest the agreements as stated herein for emergency and on-call services for water and sewer utilities for the year 2023 and 2025.

### **CERTIFICATION**

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on December 18, 2023.

---

Margaret Riggio  
Borough Clerk



**Roberts**  
ENGINEERING GROUP LLC  
*Women Business Enterprise Certified*

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

November 7, 2023

Mayor and Council  
Borough of Hightstown  
156 Bank Street  
Hightstown, New Jersey 08520

Re: Emergency and On-Call Services for Water and Sewer Utilities  
Borough of Hightstown, Mercer County, New Jersey  
Our File No.: H1537

Dear Mayor and Council:

Bids were received for the Emergency and On-Call Services for Water and Sewer Utilities Contract on Friday, November 3, 2023. A total of four (4) bidders picked up plans and specifications and three (3) bidders submitted a bid. The bid consists of three (3) types of emergency and on-call services. The first type is for emergency services (Bid A). The second type is for critical but non-emergency services (Bid B) and the third type is for planned services that are neither critical nor an emergency (Bid C). The bid is based on a 2-year contract length. The bids received were as follows:

<u>Bidders</u>	<u>Bid A</u>	<u>Bid B</u>	<u>Bid C</u>	<u>Total Bid Cost</u>
Waters & Bugbee, Inc.	\$45,050.00	\$7,450.00	\$18,862.50	\$71,362.50
Earle Asphalt Company	\$47,337.50	\$7,936.00	\$16,700.00	\$71,973.50
J. Fletcher Creamer & Son, Inc.	\$48,545.00	\$9,688.00	\$18,268.00	\$76,501.00

The bid was prepared so that the Borough could create a pool of contractors to be available for this work. We have worked with the contractors in the past and have found them to be efficient, and responsive.

All prices provided are reasonable and fall below the Engineer's Estimate. Subject to the review of the contract documents by the Borough Attorney, it is our recommendation that contracts be awarded to the two (2) lowest bidders, Waters and Bugbee, Inc., and Earle Asphalt Company in the total amounts of \$71,362.50 and \$71,973.50, respectively. We do not recommend a contract be awarded to J. Fletcher Creamer & Son, Inc as they are located greater than 30 miles from the Borough and do not meet the location requirement in the specification.

Upon award of contracts, this office will prepare a formal procedure for determining how the contractors will be contacted in case of an emergency.

By way of this letter the original bids are being returned to the Clerk.

Very truly yours,

A handwritten signature in blue ink that reads 'Carmela Roberts'.

Carmela Roberts, P.E., C.M.E.  
Borough Engineer

cc: Dimitri Musing, Borough Administrator  
Peggy Riggio, RMC, CMR, Borough Clerk  
Mairead Thompson, Administrative Assistant, Finance  
George Lang, Borough CFO  
Fred Raffetto, Esq., Borough Attorney  
Ken Lewis, Superintendent of Public Works  
Cameron Corini, P.E., C.M.E., Roberts Engineering Group, LLC  
Kelly Pham, E.I.T., Roberts Engineering Group, LLC



Emergency and On-Call Services for Water and Sewer Utilities  
Friday, November 3, 2023 at 11:30 am

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

Summary of Bids Our File No.: H1537				Roberts Engineering Group, LLC 1670 Whitehorse-Hamilton Square Road Hamilton, New Jersey 08690 Phone: (609) 586-1141 Fax: (609) 586-1143		Waters & Bugbee, Inc. 75 South Gold Drive Hamilton, New Jersey 08691 Phone: (609) 584-1100 Fax: (609) 584-2200		Earle Companies Route 34, P.O. Box 556 Farmingdale, New Jersey 07726 Phone: (732) 308-1113 Ext. 206 Fax: (732) 308-1034		J. Fletcher Creamer & Son, Inc. 101 East Broadway Hackensack, New Jersey 07601 Phone: (201) 678-2685 Fax: (201) 488-2901		Crest Construction Group, LLC 880 Route 9 Little Egg Harbor, New Jersey 08087 Phone: (609) 698-2122 Ext. 106 Fax: (609) 698-2422		
Description			Units	Quantity	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total
BID A - EMERGENCY REPAIRS														
A-1	Supply Construction Superintendent of Foreman	HOURS	60	\$220.00	\$13,200.00	\$235.00	\$14,100.00	\$230.00	\$13,800.00	\$100.00	\$6,000.00			
A-2	Supply Laborer	HOURS	120	\$190.00	\$22,800.00	\$165.00	\$19,800.00	\$182.50	\$21,900.00	\$175.00	\$21,000.00			
A-3	Supply Operator	HOURS	30	\$190.00	\$5,700.00	\$215.00	\$6,450.00	\$190.00	\$5,700.00	\$475.00	\$14,250.00			
A-4	Supply Backhoe	HOURS	45	\$50.00	\$2,250.00	\$45.00	\$2,025.00	\$30.00	\$1,350.00	\$1.00	\$45.00			
A-5	Supply Dump Truck - 10 CY Capacity with Driver	HOURS	25	\$190.00	\$4,750.00	\$85.00	\$2,125.00	\$182.50	\$4,562.50	\$200.00	\$5,000.00			
A-6	Supply Air Compressor and Jack Hammer	HOURS	5	\$1.00	\$5.00	\$5.00	\$25.00	\$1.00	\$5.00	\$150.00	\$750.00			
A-7	Supply All Necessary Equipment for Base Paving Operations (Vibratory Plate, Dump, Saw, Etc.)	HOURS	10	\$1.00	\$10.00	\$25.00	\$250.00	\$1.00	\$10.00	\$75.00	\$750.00			
A-8	Supply All Necessary Equipment for Final Paving Operations (Vibratory Plate, Dump, Saw, Milling Machine, Etc.)	HOURS	10	\$1.00	\$10.00	\$27.50	\$275.00	\$1.00	\$10.00	\$75.00	\$750.00			
				Total Cost:	\$48,725.00	Total Cost:	\$45,050.00	Total Cost:	\$47,337.50	Total Cost:	\$48,545.00	Total Cost:	No Bid Received	

Description		Units	Quantity	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total
BID B - CRITICAL REPAIRS													
B-1	Supply Construction Superintendent of Foreman	HOURS	8	\$190.00	\$1,520.00	\$175.00	\$1,400.00	\$180.00	\$1,440.00	\$280.00	\$2,240.00		
B-2	Supply Laborer	HOURS	24	\$175.00	\$4,200.00	\$140.00	\$3,360.00	\$155.00	\$3,720.00	\$110.00	\$2,640.00		
B-3	Supply Operator	HOURS	8	\$175.00	\$1,400.00	\$175.00	\$1,400.00	\$160.00	\$1,280.00	\$425.00	\$3,400.00		
B-4	Supply Backhoe	HOURS	8	\$50.00	\$400.00	\$45.00	\$360.00	\$30.00	\$240.00	\$1.00	\$8.00		
B-5	Supply Dump Truck - 10 CY Capacity with Driver	HOURS	8	\$170.00	\$1,360.00	\$85.00	\$680.00	\$155.00	\$1,240.00	\$50.00	\$400.00		
B-6	Supply Air Compressor and Jack Hammer	HOURS	8	\$1.00	\$8.00	\$5.00	\$40.00	\$1.00	\$8.00	\$50.00	\$400.00		
B-7	Supply All Necessary Equipment for Base Paving Operations (Vibratory Plate, Dump, Saw, Etc.)	HOURS	4	\$1.00	\$4.00	\$25.00	\$100.00	\$1.00	\$4.00	\$75.00	\$300.00		
B-8	Supply All Necessary Equipment for Final Paving Operations (Vibratory Plate, Dump, Saw, Milling Machine, Etc.)	HOURS	4	\$1.00	\$4.00	\$27.50	\$110.00	\$1.00	\$4.00	\$75.00	\$300.00		
				Total Cost:	\$8,896.00	Total Cost:	\$7,450.00	Total Cost:	\$7,936.00	Total Cost:	\$9,688.00	Total Cost:	No Bid Received

Description	Units	Quantity	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total
BID C - SCHEDULED REPAIRS												
C-1	Supply Construction Superintendent of Foreman	HOURS	12	\$190.00	\$2,280.00	\$175.00	\$2,100.00	\$180.00	\$2,160.00	\$134.00	\$1,608.00	
C-2	Supply Laborer	HOURS	20		\$3,400.00	\$140.00	\$2,800.00	\$155.00	\$3,100.00	\$175.00	\$3,500.00	
C-3	Supply Operator	HOURS	5	\$170.00	\$850.00	\$175.00	\$875.00	\$165.00	\$825.00	\$450.00	\$2,250.00	
C-4	Supply Backhoe	HOURS	10	\$50.00	\$500.00	\$45.00	\$450.00	\$30.00	\$300.00	\$1.00	\$10.00	
C-5	Supply Dump Truck - 10 CY Capacity with Driver	HOURS	10	\$170.00	\$1,700.00	\$85.00	\$850.00	\$155.00	\$1,550.00	\$50.00	\$500.00	
C-6	Supply Air Compressor and Jack Hammer	HOURS	5	\$1.00	\$5.00	\$5.00	\$25.00	\$1.00	\$5.00	\$50.00	\$250.00	
C-7	Supply All Necessary Equipment for Base Paving Operations (Vibratory Plate, Dump, Saw, Etc.)	HOURS	5	\$1.00	\$5.00	\$25.00	\$125.00	\$1.00	\$5.00	\$75.00	\$375.00	
C-8	Supply All Necessary Equipment for Final Paving Operations (Vibratory Plate, Dump, Saw, Milling Machine, Etc.)	HOURS	5		\$5.00	\$27.50	\$137.50	\$1.00	\$5.00	\$75.00	\$375.00	
C-9	To Supply 8" Insertion Valve	UNIT	1	\$15,000.00	\$15,000.00	\$11,500.00	\$11,500.00	\$8,750.00	\$8,750.00	\$9,400.00	\$9,400.00	
				Total Cost:	\$23,745.00	Total Cost:	\$18,862.50	Total Cost:	\$16,700.00	Total Cost:	\$18,268.00	Total Cost: No Bid Received

TOTAL CONSTRUCTION COST (BID A + BID B + BID C)	Total Cost:	\$81,366.00	Total Cost:	\$71,362.50	Total Cost:	\$71,973.50	Total Cost:	\$76,501.00	Total Cost:	No Bid Received			
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Carmela Roberts

Carmela Roberts, P.E., C.M.E.  
NJ License No. 34419

BOROUGH OF HIGHTSTOWN  
COUNTY OF MERCER  
STATE OF NEW JERSEY

**ESTABLISHING SALARIES OF CERTAIN OFFICERS AND  
EMPLOYEES OF THE BOROUGH OF HIGHTSTOWN FOR THE  
YEAR 2024**

**WHEREAS**, Section 2-9.8(b) of the *Revised General Ordinances of the Borough of Hightstown* provides that salaries of Department Heads shall be set by the Mayor and Council and that the salaries of other non-union employees shall be set by the Borough Administrator within the range provided by Ordinance; and

**WHEREAS**, it is the desire of the Mayor and Council to set 2024 salaries for certain non-union employees who do not have a separate employment agreement.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the salary for the titles below shall be effective January 1, 2024:

<b><u>Position/Title</u></b>	<b><u>2024 Salary</u></b>
Chief Financial Officer	56,182.56
Borough Clerk	87,418.16
Registrar of Vital Statistics	4,698.73
IT	5,463.64
Qualified Purchasing Agent (QPA)	15,913.50
Health Official	15,363.74
Public Health Nurse	83,567.09
Collector	87,418.16
Assessor	21,113.67
Municipal Judge	35,484.13
Construction Code Official	28,044.84
Technical Assistant	39,446.35
Building Subcode Official	4,946.77
Building Inspector	4,946.77
Zoning Official	12,970.67

**CERTIFICATION**

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on December 18, 2023.

---

Margaret Riggio  
Borough Clerk

# Resolution 2023-227

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

## **AWARDING CONTRACT FOR ZETA LYTE 1A POLYELECTROLYTE – GEORGE S. COYNE CHEMICAL CO., INC.**

**WHEREAS**, two (2) bids were received on November 3, 2023 for Zeta Lyte 1A Anionic Polyelectrolyte for the Advanced Wastewater Treatment Plant (AWWTP) in Hightstown Borough; and

**WHEREAS**, the low bid submitted was for an alternate product which required testing by the Superintendent of the Advanced Wastewater Treatment Plant to determine if it was equivalent to Zeta Lyte 1A Polyelectrolyte; and

**WHEREAS**, the product has been tested and found to be not equivalent to Zeta Lyte 1A Polyelectrolyte, and the Borough Engineer has therefore recommended that a contract for Zeta Lyte 1A Polyelectrolyte be awarded to the second-lowest bidder, George S. Coyne Chemical Co., Inc. at a per unit price of \$17.58 per gallon with a total contract price not to exceed \$21, 271.80; and

**WHEREAS**, said contract shall be effective January 1, 2024 – December 31, 2024; and

**WHEREAS**, a review by the Borough Attorney to determine that the bid submitted by George S. Coyne Chemical Co., Inc. is in order with respect to legal compliance is pending; and

**WHEREAS**, funds will be made available in the 2024 budget for said expenditure;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the contract for Zeta Lyte 1A Anionic Polyelectrolyte is hereby awarded to George S. Coyne Chemical Co., Inc. effective January 1, 2024.

### **CERTIFICATION**

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on December 18, 2024.

---

Margaret Riggio  
Borough Clerk

# Resolution 2023-228

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

## **AWARDING CONTRACT FOR ZETA LYTE 2800 CH CATIONIC POLYELECTROLYTE – GEORGE S. COYNE CHEMICAL CO., INC.**

**WHEREAS**, two (2) bids were received on November 3, 2023 for Zeta Lyte 2800 CH Cationic Polyelectrolyte for the Advanced Wastewater Treatment Plant (AWWTP) in Hightstown Borough; and

**WHEREAS**, the low bid submitted was for an alternate product which required testing by the Superintendent of the Advanced Wastewater Treatment Plant to determine if it was equivalent to Zeta Lyte 2800 CH Cationic Polyelectrolyte; and

**WHEREAS**, the product has been tested and found to be not equivalent to Zeta Lyte 2800 CH Cationic Polyelectrolyte, and the Borough Engineer has therefore recommended that a contract for Zeta Lyte 2800 CH Cationic Polyelectrolyte be awarded to the second-lowest bidder, George S. Coyne Chemical Co., Inc. at a per unit price of \$15.91 per gallon with a total contract price not to exceed \$91,005.20; and

**WHEREAS**, said contract shall be effective January 1, 2024 – December 31, 2024; and

**WHEREAS**, a review by the Borough Attorney to determine that the bid submitted by George S. Coyne Chemical Co., Inc. is in order with respect to legal compliance is pending; and

**WHEREAS**, funds will be made available in the 2024 budget for said expenditure;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the contract for Zeta Lyte 1A Anionic Polyelectrolyte is hereby awarded to George S. Coyne Chemical Co., Inc. effective January 1, 2024.

### **CERTIFICATION**

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on December 18, 2024.

---

Margaret Riggio  
Borough Clerk



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

December 7, 2023

Dimitri Musing, Borough Administrator  
Borough of Hightstown  
156 Bank Street  
Hightstown, New Jersey 08520

Re: **Reissued** Receipt of Bids – Polymer Chemicals  
Sludge Cake Removal, Transportation and Delivery and  
Chemical Purchases for the AWWTP and WTP  
Borough of Hightstown, Mercer County, New Jersey  
Our File No.: H1665

Dear Dimitri:

Bids were received for polymer chemicals for the Advanced Wastewater Treatment Plant (AWWTP) on Friday, November 3, 2023. The bids were as follows:

1. **Polymer Chemicals** – Bids were received for one (1) year and two (2) year periods for each of the polymer chemicals as follows:

**a. (1) Zeta Lyte 1A Anionic Polyelectrolyte – One (1) Year Period**

▪ Polydyne, Inc. Riceboro, Georgia	\$11.88/gal.	\$14,374.80
▪ George S. Coyne Chemical Co., Inc. Croydon, Pennsylvania	\$17.58/gal.	\$21,271.80

**a. (2) Zeta Lyte 1A Anionic Polyelectrolyte – Two (2) Year Period**

▪ Polydyne, Inc. Riceboro, Georgia	\$11.88/gal.	\$28,749.60
▪ George S. Coyne Chemical Co., Inc. Croydon, Pennsylvania	\$18.10/gal.	\$43,802.00

The bids submitted by the low bidder, Polydyne, Inc., are for an “equal” product. As chemicals can vary in their efficiency, the Superintendent of the AWWTP has tested the product and has determined the product is not an “equal”. Therefore, I recommend the award of a one (1) year contract for Zeta Lyte 1A Anionic Polyelectrolyte to George S. Coyne Chemical Co., Inc. of Croydon, Pennsylvania at a unit price of \$17.58/gal. and a total amount of \$21,271.80.

**b. (1) Zeta Lyte 2800 CH Cationic Polyelectrolyte – One (1) Year Period**

▪ Polydyne, Inc. Riceboro, Georgia	\$15.91/gal.	\$45,502.60
▪ George S. Coyne Chemical Co., Inc. Croydon, Pennsylvania	\$21.43/gal.	\$61,289.80

Receipt of Bids – Polymer Chemicals  
Sludge Cake Removal, Transportation and Delivery and  
Chemical Purchases for the AWWTP and WTP  
Borough of Hightstown, Mercer County, New Jersey  
Our File No.: H1665  
Page 2 of 2

**b. (2) Zeta Lyte 2800 CH Cationic Polyelectrolyte – Two (2) Year Period**

▪ Polydyne, Inc. Riceboro, Georgia	\$15.91/gal.	\$91,005.20
▪ George S. Coyne Chemical Co., Inc. Croydon, Pennsylvania	\$21.92/gal.	\$125,382.40

The bids submitted by the low bidder, Polydyne, Inc., are for Clarifloc NE-25555, an “equal” product. As chemicals can vary in their efficiency, the Superintendent of the AWWTP has tested the product and has determined it to be “equal”. Therefore, I recommend the award of a two (2) year contract for Clarifloc NE-25555 to Polydyne, Inc. of Riceboro, Georgia at a unit price of \$15.91/gal. and a total amount of \$91,005.20.

Should you have questions or require additional information, please feel free to contact me.

Very truly yours,



Carmela Roberts, P.E., C.M.E.  
Borough Engineer

cc: Mayor and Council  
Peggy Riggio, RMC, CMR, Borough Clerk  
Frederick C. Raffetto, Esq., Borough Attorney  
George Lang, Borough CFO  
Mickie O'Connor, Borough Deputy CFO  
Mairead Thompson, Administrative Assistant, Finance  
Steve White, AWWTP Superintendent  
Richard Lewis, Borough Senior Water Operator  
Kelly Pham, E.I.T., Roberts Engineering Group, LLC

# Resolution 2023-229

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

## **REAPPOINTING A MUNICIPAL EMERGENCY MANAGEMENT COORDINATOR**

**WHEREAS**, Pursuant to N.J.S.A. APP A:9-40.1, all municipalities must appoint a Municipal Emergency Management Coordinator; and

**WHEREAS**, the Municipal Emergency Management Coordinator must meet the requirements of NJOEM Directive 7; and

**WHEREAS**, Borough Council wishes to reappoint James Sidelinger as Municipal Emergency Management Coordinator for Hightstown Borough; and

**WHEREAS**, the effective term for the three-year appointment is January 1, 2024 – December 31, 2026.

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that James Sidelinger be reappointed as the Municipal Emergency Management Coordinator for Hightstown Borough for a three-year term beginning January 1, 2024.

### **CERTIFICATION**

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on December 18, 2023.

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Margaret Riggio  
Borough Clerk

# Resolution 2023-230

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

## **APPOINTING A ZONING OFFICER**

**WHEREAS**, due to the retirement of George Chin, a vacancy will exist in the for the position of Zoning Officer effective March 1, 2024; and

**WHEREAS**, article 2-21-3 of the Revised General Ordinances of the Borough of Hightstown provides that a Zoning Officer shall be appointed by the Mayor, with the advice and consent of Council, for a period of one year

**WHEREAS**, Jane Davis is currently the administrative assistant to the Construction Department and the Planning Board Secretary; and

**WHEREAS**, the Mayor and Council wish to appoint Jane Davis of Hightstown, New Jersey as Zoning Officer, effective March 1, 2024; and

**WHEREAS**, Ms. Davis will continue her responsibilities as administrative assistant to the Construction Department and as Planning Board Secretary; and

**WHEREAS**, Ms. Davis holds a certification as Zoning Officer from Rutgers Continuing Education.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that Jane Davis of Hightstown, New Jersey is hereby appointed as Zoning Officer for the Borough of Hightstown for a one-year term effective March 1, 2024; and

**BE IT FURTHER RESOLVED** that Ms. Davis shall be paid at the rate of \$6,000.00 per year for her duties as Zoning Officer.

## **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 2, 2021.

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Margaret Riggio  
Borough Clerk

# Resolution 2023-231

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

## **AUTHORIZING A REIMBURSEMENT FOR CELL PHONE USAGE**

**WHEREAS**, the Borough finds it cost effective to permit certain employees to utilize their private cell phone for Borough business throughout the year; and

**WHEREAS**, the Borough wishes to authorize a reimbursement for private cell phone usage during 2023 to Dimitri Musing, Borough Administrator, Margaret Riggio, Borough Clerk, Frank Gendron, Chief of Police; and Steve White, Superintendent of the Advanced Waste Water Treatment Plant for the period January 1, 2023 through December 31, 2023 in the amount of \$270.00; and

**WHEREAS**, the funds for this reimbursement are available and the CFO has so certified in writing.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the Finance is authorized to issue reimbursement as stated above for private cell phone usage during 2023.

**BE IT FURTHER RESOLVED** that a certified copy of this resolution shall be given to the Finance Office, Dimitri Musing, Margaret Riggio, Frank Gendron, and Steve White.

## **CERTIFICATION**

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on December 18, 2023.

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Margaret Riggio  
Borough Clerk

# Resolution 2023-232

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

**RESCINDING RESOLUTION 2023-201 AND AUTHORIZING A NEW  
AGREEMENT FOR BACKUP LICENSED WASTEWATER  
OPERATOR SERVICES AT THE ADVANCED WASTEWATER  
TREATMENT PLANT (AWWTP)**

**WHEREAS**, on November 6, 2023, Borough Council adopted Resolution 2023-201 authorizing the renewal of the current contract for two additional years; and;

**WHEREAS**, it has been brought to our attention that the current contract did not afford the opportunity to renew the services without a new contract; and

**WHEREAS**, DeBlock Environmental Services, LLC has submitted a proposal dated December 10, 2023, indicating they will provide the Backup Licensed Wastewater Operator Services at a monthly rate of \$500 and billed at an hourly rate \$150 of actual hours worked; and

**WHEREAS**, the effective dates of this agreement is January 1, 2024 – December 31, 2024;

**WHEREAS** funds for this expenditure will be made available in the 2024 budget;

**NOW, THEREFORE, BE IT RESOLVED** that the Borough Council of the Borough of Hightstown authorizes the Borough Administrator to enter into a contract with DeBlock Environmental Services, LLC as described 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 December 18, 2023.

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Margaret Riggio  
Borough Clerk

# Resolution 2023-233

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

**AUTHORIZING A TRANSFER OF FUNDS IN THE 2023 BUDGET**

## **RESOLUTION FORTHCOMING FROM THE CFO**

# Resolution 2023-234

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

## **AUTHORIZING A MEETING WHICH EXCLUDES THE PUBLIC**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that this body will hold a meeting on December 18, 2023, at the Hightstown Firehouse Hall, 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 – First Aid Donation

Contract Negotiations – Robbinsville

Stated as precisely as presently possible the following is the time when and the circumstances under which the discussion conducted at said meeting can be disclosed to the public March 18, 2024, 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 December 18, 2023.

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Margaret Riggio  
Borough Clerk