

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

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

**Meeting called to order by Mayor Susan Bluth**

**STATEMENT:** Adequate notice of this meeting has been given in accordance with the Open Public Meetings Act, pursuant to Public Law 1975, Chapter 231. Said notice was advertised in the Trenton Times and Windsor-Hights Herald as required by law and is posted on the Hightstown Borough website.

**Roll Call**

**Flag Salute**

**Approval of Agenda**

**Approval of Minutes**            January 3, 2023 – Reorganization  
   January 17, 2023 – Public Session  
   January 17, 2023 – Executive Session

**Engineering Items**            Maxwell Avenue Roundabout

**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**                        **2023-01 First Reading and Introduction** An Ordinance Establishing New Floodplain Management Regulations for the Borough of Hightstown, and Amending and Supplementing “The Revised General Ordinances of the Borough of Hightstown” in Order to Repeal the Existing Provisions of Chapter 24, Entitled “Flood Damage Prevention,” in their Entirety, and to Establish a New Chapter 24 Thereof Concerning “Flood Damage Prevention”

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

**2023-03 First Reading and Introduction** Bond Ordinance Providing for Water-Sewer Improvements to Maxwell Avenue for the Water-Sewer Utility in and by the Borough of Hightstown, in the County of Mercer, New Jersey, Appropriating \$1,290,000 therefor and Authorizing the Issuance of \$1,290,000 Bonds or Notes of the Borough to Finance the Cost Thereof

**Resolutions**

**2023-41** Authorizing Payment of Bills

**Consent Agenda**

**2023-42** Governing Body Certification of Compliance with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964"

**2023-43** Resolution Making and Confirming Appointment for the Board of Health

**2023-44** Authorizing Membership Drive Banners for Hightstown Engine Company No. 1 be Placed at Approved Locations Throughout the Borough

**2023-45** Reappointing Frank Gendron as Police Chief and Authorizing the Execution of the Associated Agreement

**2023-46** Resolution Authorizing the Purchase of a Labrie Automizer RH 33YD Mounted to Mack LR Cab Over Chassis for the Hightstown Borough Department of Public Works from Sanitation Equipment Corp. an Authorized Dealer of Labrie Enviroquip

**2023-47** Authorizing Payment on Behalf of Participants in the Borough of Hightstown Length of Service Award Program (LOSAP)

**2023-48** Authorizing Payment no. 5 – Allied Painting, Inc. (Water Tank Painting and Repair at First Avenue, Leshin Lane and Cranbury Station Road)

**2023-49** Authorizing Payment No. 4 Final and Change Order No. 3 Final – Earle Asphalt Company – Improvements to Springcrest Drive, Taylor Avenue, Spruce Court, Glen Drive and Schuyler Avenue

**2023-50** Authorizing Hightstown Engine Company No. 1 to Apply for the Assistance to Firefighters Grant Program for FY2022

**2023-51** Authorizing Refund of Water/Sewer Overpayment

**Discussion**

Sale of Springcrest Pumpstation Property

**Subcommittee Reports**

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

**Executive Session      Resolution 2023-52** Authorizing a Meeting that Excludes the Public

Personnel – Police Personnel

Litigation – Schloss V. Hightstown

## **Adjournment**

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

The meeting was called to order by Mayor Quattrone at 6:33 p.m. and he read the Open Public Meetings Act statement which stated, “Adequate notice of this meeting has been given in accordance with the Open Public Meetings Act, pursuant to Public Law 1975, Chapter 231. Said notice was sent to the *Trenton Times* and the *Windsor-Hights Herald*, and is posted on the Borough website.”

**ROLL CALL 2022 COUNCIL**

	<b>PRESENT</b>	<b>ABSENT</b>
Councilmember Susan Bluth	✓	
Councilmember Joseph Cicalese	✓	
Councilmember Cristina Fowler	✓	
Councilmember Joshua Jackson	✓	
Councilmember Steven Misiura	✓	
Councilmember Frederick Montferrat	✓	
Mayor Quattrone	✓	

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

Mayor Quattrone called for a Moment of Silence for Former Mayor Richard Aughenbaugh who passed away on Christmas Day.

Councilmember Susan Bluth presented her resignation from Borough Council to Borough Clerk, Peggy Riggio.

**SWEARING-IN CEREMONY**

Mayor Quattrone swore in Susan Bluth as Mayor of Hightstown Borough January 1, 2023 – December 31, 2026. Mayor Quattrone left the dais at this time.

Mayor Bluth swore in Todd Frantz as Councilmember of Hightstown Borough January 1, 2023 – December 31, 2025.

Mayor Bluth swore in Joshua Jackson as Councilmember of Hightstown Borough January 1, 2023 – December 31, 2025.

**ROLL CALL – 2023 COUNCIL**

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

The Flag Salute followed roll call.

**RECOGNITION OF DIGNITARIES**

Mayor Bluth welcomed Senator Linda Greenstein, Assemblyman Dan Benson, Assemblyman Wayne DeAngelo, County Commissioner Lucylle Walter, Mayor Janice Mironov, Former Mayor Scott Caster, Former Councilmembers Selena Bibens, Eugene Sarafin, Jeff Bond, Tory Watkins, Former Borough Administrator/Clerk Debra Sopronyi and Chair for the Cultural Arts Commission Ann Marie Miller.

**APPROVAL OF AGENDA**

Moved by Councilmember Montferrat; Seconded by Councilmember Jackson.

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

Agenda approved 5-0.

**PROCLAMATION PRESENTATIONS**

Mayor Bluth presented a proclamation to Lawrence Quattrone recognizing his over 20 years of service to Hightstown Borough.

Mr. Quattrone addressed the public. He thanked all the Borough staff and volunteers. He wished Mayor Bluth and the new Council the best of luck. Mr. Quattrone thanked his wife for all her support over the years. He closed by telling the public to get involved in government and voice their opinions.

Mayor Bluth presented a proclamation to Steve Misiura recognizing his years of service to Hightstown Borough.

Mr. Misiura addressed the public. He thanked his family for their support. He stated that he doesn't know what Council will look like with without Mr. Quattrone. Thanked Mr. Quattrone for his dedication to Hightstown. Thanked Councilmember Montferrat for his friendship and support over the years. He stated that he loves Hightstown. He raised his family here and feels Hightstown's best years are still ahead. He wished Mayor and Council good luck.

## **PUBLIC COMMENT**

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

**Eugene Sarafin, 628 South Main Street** – He has been coming to Council meetings for 66 years. The new generation is running our town. Mayor Quattrone did an excellent job of running the town and training the new Councilmembers. Hightstown is a great little town.

**Scott Caster, 12 Clover Lane** – Congratulated Mayor Bluth and offered his support. Richard Aughenbaugh was a friend and mentor. He will be sorely missed. Jack Guyette also passed this week. Mr. Guyette single handedly kept the first aid squad alive 25 years ago. He was a great leader and educator.

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

## **RESOLUTIONS**

### **Resolution 2023-01 Electing Council President for 2023**

Councilmember Fowler nominated Josh Jackson for Council President; Councilmember Cicalese seconded. There were no further nominations.

Resolution moved by Councilmember Fowler; Seconded by Councilmember Cicalese.

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

Resolution adopted 5-0.

Resolution 2023-01

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

**ELECTING COUNCIL PRESIDENT FOR 2023**

**WHEREAS**, there exists a need to fill the position of Council President for 2023; and

**WHEREAS**, it is the desire of the Borough Council to elect Joshua Jackson to fill that position;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that Joshua Jackson is hereby elected as Council President for the year 2023.

### **CONSENT AGENDA**

Councilmember Montferrat moved Resolutions 2023-02, 2023-03, 2023-04, 2023-05, 2023-06, 2023-07, 2023-08, 2023-09, 2023-10, 2023-11, 2023-12, 2023-13, 2023-14, 2023-15, 2023-16, 2023-17, 2023-18, 2023-19, 2023-20, 2023-21, 2023-22, 2023-23, 2023-24, 2023-25, 2023-26, 2023-27 and 2023-28 as a Consent Agenda; Councilmember Frantz seconded.

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

Resolutions adopted 5-0.

Resolution 2023-02

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

### **ADOPTING ROBERT'S RULES OF ORDER**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that, in any question concerning the organization, proceedings or decorum in connection with meetings of the Borough Council, which question is not otherwise covered by Resolution of Council or general law, Robert's Rules of Order shall govern, and that the Borough Attorney shall serve as *ex officio* parliamentarian, and shall be prepared, at the request of any member of Council, to render his opinion on any question of procedure.

Resolution 2023-03

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

### **ADOPTING GUIDELINES FOR THE CONDUCT OF BUSINESS AT HIGHTSTOWN BOROUGH COUNCIL MEETINGS**

**WHEREAS**, pursuant to N.J.S.A. 40A:60-6, the Borough Council is the legislative body of the municipality and may adopt a resolution for any purpose required for the government of the municipality and possesses all of the executive responsibilities of the municipality not placed, by law,

in the Office of the Mayor; and

**WHEREAS**, the Mayor and Borough Council wish to establish guidelines for conduct at all public meetings held by the Governing Body.

**NOW THEREFORE, BE IT RESOLVED**, by the Mayor and Borough Council of the Borough of Hightstown that the following rules and procedures shall govern at all Borough Council Meetings for the year 2022:

**A. Conduct at Meetings.**

1. The Mayor shall serve as Presiding Officer and shall conduct all meetings.
2. The Council President shall serve as Presiding Officer and conduct the meeting when the Mayor is absent.
3. If the Mayor and Council President are both absent, the Municipal Clerk shall call the meeting to order and appoint the senior member of Council to serve as Presiding Officer. The Temporary Chairperson shall conduct the meeting, but shall have no powers beyond those necessary to conduct the meeting.
4. A majority of the whole number of members of the Borough Council shall constitute a quorum for the transaction of business at a meeting.
5. If a quorum is not present fifteen minutes after the appointed time for any meeting, the Presiding Officer or the Municipal Clerk may declare the meeting cancelled due to a lack of a quorum.
6. While the Borough Council is in session, the members thereof shall preserve order and decorum, and a member shall not, by conversation or otherwise, delay or interrupt the proceedings or the peace of the Borough Council, nor disturb any member while speaking, or refuse to obey the order of the Borough Council or its Presiding Officer, unless such action is in accordance with proper Parliamentary procedure.
7. Members of the Governing Body shall not utilize their cell phones while the meeting is in session, either during an Executive session or during the open public portion of any meeting, whether verbally or by text, except for emergent circumstances. If an emergency should arise necessitating the use of a cell phone, then the member shall excuse himself or herself from the dais and leave the meeting room to engage in cell phone communications.
8. The Borough Attorney shall be the Parliamentarian.
9. Meetings shall be conducted in accordance with relevant State statutes and these regulations, along with Robert's Rules of Order for items not covered by State statute or in these regulations.

**B. Addressing the Mayor and Council.**

Any person desiring to address the Mayor and Council shall proceed to the podium during the appropriate time and give his or her name and address. Remarks shall be confined to the order of business prescribed by this section:



1. There shall be a “Public Comment” period held during each regular meeting of the Mayor and Council. During the “Public Comment” period of the meeting, any person may address the Mayor and Council on any matter that the person feels may be of concern to the residents of the municipality; said comment shall be limited to a maximum of three minutes. A response may be provided, either directly following the public comment period or during the “Mayor/Council/Administrative Comments” portion of the meeting.
2. Any person(s) who disrupts the orderly conduct of any meeting shall be called to order by the Presiding Officer. If such conduct continues to disrupt the meeting despite the Presiding Officer’s warning(s), then the Presiding Officer, at his or her discretion, may order such person removed from the meeting.
3. During a statutorily prescribed public hearing on a particular agenda item (such as the public hearing associated with the potential adoption of any Ordinance), or during any other specifically described public hearing, comments made by members of the public shall be limited to the particular subject matter of the hearing.

**BE IT FURTHER RESOLVED**, that the Mayor and Borough Council of Hightstown Borough may, according to law, amend these guidelines as needed from time to time.

Resolution 2023-04

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

**APPROVING THE BOROUGH COUNCIL MEETING SCHEDULE  
FOR THE YEAR 2023**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the meetings of the Mayor and Borough Council for the remainder of 2023 and for the first meeting in 2024 will be held at **6:30 p.m.**, unless otherwise noted, at the Hightstown Firehouse at 140 North Main Street, Hightstown, on the following dates:

**2023 SCHEDULED COUNCIL MEETING DATES**

TUESDAY	January 3
TUESDAY	January 17
MONDAY	February 6
TUESDAY	February 21
MONDAY	March 6
MONDAY	March 20

MONDAY	April 3
MONDAY	April 17
MONDAY	May 1
MONDAY	May 15
MONDAY	June 5
MONDAY	June 19
MONDAY	July 3
MONDAY	July 17
MONDAY	August 7
MONDAY	August 21
TUESDAY	September 5
MONDAY	September 18
MONDAY	October 2
MONDAY	October 16
MONDAY	November 6
MONDAY	November 20
MONDAY	December 4
MONDAY	December 18

**2024 Meetings**

TUESDAY, January 2, 2024                      Reorganization Meeting

Resolution 2023-05

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

**DESIGNATING OFFICIAL BOROUGH NEWSPAPERS**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the *Trenton Times* and the *Windsor-Hights Herald* are hereby designated as the official newspapers of the municipality for the year 2023.

Resolution 2023-06

*BOROUGH OF HIGHTSTOWN*



Mario Zapicchi	1 yr.	December 31, 2023
Joanna Perilli	1 yr.	December 31, 2023

**Prosecutor**

Timothy McNichols	1 yr.	December 31, 2023
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**Alternate Prosecutors**

Gregory P. McGuckin	1 yr.	December 31, 2023
Robert Ulaky	1 yr.	December 31, 2023
Martin J. Buckley	1 yr.	December 31, 2023
Kelsey Anthony-McGuckin	1 yr.	December 31, 2023
Patrick Varga	1 yr.	December 31, 2023

**Zoning Officer**

George Chin	1 yr.	December 31, 2023
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**Housing Inspectors**

George Chin	1 yr.	December 31, 2023
David Bell	1 yr.	December 31, 2023

**Building Inspector**

George Chin	1 yr.	December 31, 2023
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**Fire Protection Official**

Chad Reed	1 yr.	December 31, 2023
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**Summer Recreation Director**

Larry Gunnell	1 yr.	December 31, 2023
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**Borough Historian**

Charles Stults III	1 yr.	December 31, 2023
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**Class I Officer**

Chad Reed 1 yr. December 31, 2023

**School Crossing Guards**

Roberto Rodriguez	1 yr.	December 31, 2023
Wayne Varga	1 yr.	December 31, 2023
Joseph Capuano	1 yr.	December 31, 2023
Kristen Burgoyne	1 yr.	December 31, 2023

Resolution 2023-07

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

**ESTABLISHING 2023 SCHEDULE OF HOLIDAYS  
AND BOROUGH BUSINESS HOURS**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the following will be considered the official holidays for the year 2023 and the first week of 2024:

January 16	Martin Luther King, Jr. Day (Monday)
February 20	Presidents Day (Monday)
April 7	Good Friday (Friday)
May 29	Memorial Day (Monday)
July 4	Independence Day (Tuesday)
September 4	Labor Day (Monday)
October 9	Columbus Day (Monday)
November 10	Veterans Day (Friday)
November 23	Thanksgiving Day (Thursday)
November 24	Day after Thanksgiving (Friday)
December 25	Christmas Day (Monday)
January 1, 2024	New Year's Day (Monday)

**BE IT FURTHER RESOLVED** that the official business hours for Borough offices will be 8:30 a.m. to 4:30 p.m. Monday through Friday, except as set forth above.

Resolution 2023-08

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

**APPOINTING AND AUTHORIZING AN AGREEMENT FOR  
PROFESSIONAL LEGAL SERVICES – FREDERICK C. RAFFETTO,  
ESQ.**

**WHEREAS**, there exists the need for professional legal services for 2023 pertaining to general municipal, water and sewer, redevelopment and litigation/union matters; and

**WHEREAS**, the Borough Council wishes to appoint Frederick C. Raffetto, Esq. of the firm Hill Wallack, LLP of Red Bank, New Jersey as Borough Attorney effective January 1, 2023; and

**WHEREAS**, the cost for the proposed services shall not exceed \$75,000.00 without further approval by the Borough Council; and,

**WHEREAS**, funds for this purpose will be made available in the 2023 budget; and,

**WHEREAS**, the Local Public Contracts Law authorizes the awarding of a contract for “professional services” without public advertising for bids and bidding, provided that the Resolution authorizing the contract and the contract itself are available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality; and

**WHEREAS**, it has been determined that the value of this contract may exceed \$17,500, and therefore the contract is also subject to the provisions of the State’s Local Unit Pay-to-Play Law, N.J.S.A. 19:44A-20.4, *et seq.*; and

**WHEREAS**, the anticipated term of this contract is for one (1) year, or until the appointment and qualification of a successor, and it may only be renewed upon further action of the Borough Council; and

**WHEREAS**, this contract is intended to be awarded as a “non-fair and open contract” pursuant to and in accordance with the Local Unit Pay-to-Play Law;

**WHEREAS**, the firm of Hill Wallack, LLC, has completed and submitted a Business Entity Disclosure Certification pursuant to the Local Unit Pay-to-Play law (specifically, at N.J.S.A. 19:44A-20.8), and has further submitted a certification that the firm is in compliance with the Borough’s own Pay-to-Play ordinance (Section 2-59 of the *Revised General Ordinances of the Borough of Hightstown*);

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

1. That the Mayor is authorized to execute and the Borough Clerk to attest an Agreement between the Borough of Hightstown and Frederick Raffetto, Esq. regarding the above-referenced professional legal services, as set forth herein.
2. That this contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because Ansell, Grimm & Aaron, Inc. is a firm whose attorneys are authorized by law to practice a recognized profession.
3. That this contract is being awarded in accordance with the Local Unit Pay-to-Play Law and Section 2-59 of the *Revised General Ordinances of the Borough of Hightstown*, and the Business Disclosure Entity Certification, and other certifications required pursuant to same shall be placed on file with the contract.

Resolution 2023-09

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

**APPOINTING AND AUTHORIZING AN AGREEMENT FOR  
PROFESSIONAL BOND COUNSEL AND REDEVELOPMENT LEGAL  
COUNSEL SERVICES – EDWARD J. MCMANIMON III, ESQ.**

**WHEREAS**, there exists the need for professional bond counsel and redevelopment legal counsel services for 2023; and

**WHEREAS**, the Borough Council wishes to appoint Edward J. McManimon III, Esq. of the firm McManimon, Scotland & Baumann, LLC of Roseland, New Jersey as Bond Counsel and Redevelopment Counsel effective January 1, 2023; and

**WHEREAS**, the cost for the proposed services shall not exceed \$7,500.00 without further approval by the Borough Council; and,

**WHEREAS**, funds for this purpose will be made available in the 2023 budget; and,

**WHEREAS**, the Borough Attorney has reviewed and approved the contract for execution by the Borough; and

**WHEREAS**, the Local Public Contracts Law authorizes the awarding of a contract for “professional services” without public advertising for bids and bidding, provided that the Resolution authorizing the contract and the contract itself are available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality; and

**WHEREAS**, it has been determined that the value of this contract may exceed \$17,500, and therefore the contract is also subject to the provisions of the State’s Local Unit Pay-to-Play Law, N.J.S.A. 19:44A-20.4, *et seq.*; and

**WHEREAS**, the anticipated term of this contract is for one (1) year, or until the appointment and qualification of a successor, and it may only be renewed upon further action of the Borough Council; and

**WHEREAS**, this contract is intended to be awarded as a “non-fair and open contract” pursuant to and in accordance with the Local Unit Pay-to-Play Law;

**WHEREAS**, the firm of McManimon, Scotland & Baumann, LLC has completed and submitted a Business Entity Disclosure Certification pursuant to the Local Unit Pay-to-Play law (specifically, at N.J.S.A. 19:44A-20.8), and has further submitted a certification that the firm is in compliance with the Borough’s own Pay-to-Play ordinance (Section 2-59 of the *Revised General Ordinances of the Borough of Hightstown*);

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

1. That the Mayor is authorized to execute and the Borough Clerk to attest an Agreement between the Borough of Hightstown and Edward J. McManimon III, Esq. regarding the above-referenced professional bond counsel and redevelopment counsel services, as set forth herein.
2. That this contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because McManimon, Scotland & Baumann, LLC is a firm whose attorneys are authorized by law to practice a recognized profession.
3. That this contract is being awarded in accordance with the Local Unit Pay-to-Play Law and Section 2-59 of the *Revised General Ordinances of the Borough of Hightstown*, and the Business Disclosure Entity Certification, and other certifications required pursuant to same shall be placed on file with the contract.

Resolution 2023-10

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

**APPOINTING AND AUTHORIZING AN AGREEMENT FOR  
PROFESSIONAL ENGINEERING SERVICES – CARMELA ROBERTS**

**WHEREAS**, there exists the need for specialized engineering services during 2023; and

**WHEREAS**, the Borough Council wishes to appoint Carmela Roberts of Roberts Engineering Group of Hamilton, New Jersey as Borough Engineer effective January 1, 2023; and

**WHEREAS**, the cost for the proposed services shall not exceed \$50,000.00 without further



approval by the Borough Council; and,

**WHEREAS**, funds for this purpose will be made available in the 2023 budget; and,

**WHEREAS**, the Borough Attorney has reviewed and approved the contract for execution by the Borough; and

**WHEREAS**, the Local Public Contracts Law authorizes the awarding of a contract for “professional services” without public advertising for bids and bidding, provided that the Resolution authorizing the contract and the contract itself are available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality; and

**WHEREAS**, it has been determined that the value of this contract may exceed \$17,500, and therefore the contract is also subject to the provisions of the State’s Local Unit Pay-to-Play Law, N.J.S.A. 19:44A-20.4, *et seq.*; and

**WHEREAS**, the anticipated term of this contract is for one (1) year, or until the appointment and qualification of a successor, and it may only be renewed upon further action of the Borough Council; and

**WHEREAS**, this contract is intended to be awarded as a “non-fair and open contract” pursuant to and in accordance with the Local Unit Pay-to-Play Law;

**WHEREAS**, Roberts Engineering Group has completed and submitted a Business Entity Disclosure Certification pursuant to the Local Unit Pay-to-Play law (specifically, at N.J.S.A. 19:44A-20.8), and has further submitted a certification that the firm is in compliance with the Borough’s own Pay-to-Play ordinance (Section 2-59 of the *Revised General Ordinances of the Borough of Hightstown*);

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

1. That the Mayor is authorized to execute and the Borough Clerk to attest an Agreement between the Borough of Hightstown and Carmela Roberts regarding the above-referenced professional engineering services, as set forth herein.
2. That this contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because Roberts Engineering Group is a firm whose engineers are authorized by law to practice a recognized profession.
3. That this contract is being awarded in accordance with the Local Unit Pay-to-Play Law and Section 2-59 of the *Revised General Ordinances of the Borough of Hightstown*, and the Business Disclosure Entity Certification, and other certifications required pursuant to same shall be placed on file with the contract.

Resolution 2023-11

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

**APPOINTING AND AUTHORIZING AN AGREEMENT FOR  
PROFESSIONAL LABOR COUNSEL SERVICES – ROBERT J.  
MERRYMAN, ESQ.**

**WHEREAS**, there exists the need for specialized municipal labor counsel services during 2023; and

**WHEREAS**, the Borough Council wishes to appoint Robert J. Merryman, Esq. of Warren, New Jersey as Borough Labor Counsel effective January 1, 2023; and

**WHEREAS**, the cost for the proposed services shall not exceed \$40,000.00 without further approval by the Borough Council; and,

**WHEREAS**, funds for this purpose will be made available in the 2023 budget; and,

**WHEREAS**, the Borough Attorney has reviewed and approved the contract for execution by the Borough; and

**WHEREAS**, the Local Public Contracts Law authorizes the awarding of a contract for “professional services” without public advertising for bids and bidding, provided that the Resolution authorizing the contract and the contract itself are available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality; and

**WHEREAS**, it has been determined that the value of this contract may exceed \$17,500, and therefore the contract is also subject to the provisions of the State’s Local Unit Pay-to-Play Law, N.J.S.A. 19:44A-20.4, *et seq.*; and

**WHEREAS**, the anticipated term of this contract is for one (1) year, or until the appointment and qualification of a successor, and it may only be renewed upon further action of the Borough Council; and

**WHEREAS**, this contract is intended to be awarded as a “non-fair and open contract” pursuant to and in accordance with the Local Unit Pay-to-Play Law;

**WHEREAS**, Eric M. Bernstein, Esq. has completed and submitted a Business Entity Disclosure Certification pursuant to the Local Unit Pay-to-Play law (specifically, at N.J.S.A. 19:44A-20.8), and has further submitted a certification that the firm is in compliance with the Borough’s own Pay-to-Play ordinance (Section 2-59 of the *Revised General Ordinances of the Borough of Hightstown*);

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

1. That the Mayor is authorized to execute and the Borough Clerk to attest an Agreement between the Borough of Hightstown and Robert J. Merryman, Esq. regarding the above-referenced professional municipal labor counsel services, as set forth herein.
2. That this contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because Robert J. Merryman, Esq. is authorized by law to practice a recognized profession.
3. That this contract is being awarded in accordance with the Local Unit Pay-to-Play Law and Section 2-59 of the *Revised General Ordinances of the Borough of Hightstown*, and the Business Disclosure Entity Certification, and other certifications required pursuant to same shall be placed on file with the contract.

Resolution 2023-12

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

**APPOINTING AND AUTHORIZING AN AGREEMENT FOR  
PROFESSIONAL AUDITOR SERVICES – GERARD STANKIEWICZ,  
CPA, RMA, PSA (SAMUEL KLEIN AND COMPANY)**

**WHEREAS**, there exists the need for specialized auditing services for the Borough for the year 2023; and

**WHEREAS**, it is the desire of Borough Council to appoint Gerard Stankiewicz, CPA, RMA, PSA of Samuel Klein and Company of Freehold, New Jersey as Borough Auditor effective January 1, 2023; and

**WHEREAS**, the cost for the proposed services shall not exceed \$27,500.00 without further approval by the Borough Council; and,

**WHEREAS**, funds for this purpose will be made available in the 2023 budget; and,

**WHEREAS**, the Borough Attorney will review and approve the contract for execution by the Borough; and

**WHEREAS**, the Local Public Contracts Law authorizes the awarding of a contract for “professional services” without public advertising for bids and bidding, provided that the Resolution authorizing the contract and the contract itself are available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a

newspaper of general circulation in the municipality; and

**WHEREAS**, it has been determined that the value of this contract may exceed \$17,500, and therefore the contract is also subject to the provisions of the State’s Local Unit Pay-to-Play Law, N.J.S.A. 19:44A-20.4, *et seq.*; and

**WHEREAS**, the anticipated term of this contract is for one (1) year, and until the appointment and qualification of a successor, and it may only be renewed upon further action of the Borough Council; and

**WHEREAS**, this contract is intended to be awarded as a “non-fair and open contract” pursuant to and in accordance with the Local Unit Pay-to-Play Law;

**WHEREAS**, Gerard Stankiewicz, CPA, RMA, PSA of Samuel Klein and Company has completed and submitted a Business Entity Disclosure Certification pursuant to the Local Unit Pay-to-Play law (specifically, at N.J.S.A. 19:44A-20.8), and has further submitted a certification that the firm is in compliance with the Borough’s own Pay-to-Play ordinance (Section 2-59 of the *Revised General Ordinances of the Borough of Hightstown*);

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

1. That the Mayor is authorized to execute and the Borough Clerk to attest an Agreement between the Borough of Hightstown and Gerard Stankiewicz, CPA, RMA, PSA of Samuel Klein and Company regarding the above-referenced professional auditor services, as set forth herein.
2. That this contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because Gerard Stankiewicz, CPA, RMA, PSA of Samuel Klein and Company is a firm whose auditors are authorized by law to practice a recognized profession.
3. That this contract is being awarded in accordance with the Local Unit Pay-to-Play Law and Section 2-59 of the *Revised General Ordinances of the Borough of Hightstown*, and the Business Disclosure Entity Certification, and other certifications required pursuant to same shall be placed on file with the contract.

Resolution 2023-13

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

**APPOINTING AND AUTHORIZING AN AGREEMENT FOR  
PROFESSIONAL PLANNING SERVICES – BRIAN M. SLAUGH**

**WHEREAS**, there exists the need for professional Municipal Planning services for 2023; and

**WHEREAS**, the Borough Council wishes to appoint Brian M. Slauch of the firm Clarke Caton Hintz, of Trenton, New Jersey as Borough Planner effective January 1, 2023; and

**WHEREAS**, the cost for the proposed services, with the exclusion of escrow and other funds as posted from outside sources, shall not exceed \$25,000.00 without further approval by the Borough Council; and,

**WHEREAS**, funds for this purpose will be made available in the 2023 budget; and,

**WHEREAS**, the Borough Attorney has reviewed and approved the contract for execution by the Borough; and

**WHEREAS**, the Local Public Contracts Law authorizes the awarding of a contract for “professional services” without public advertising for bids and bidding, provided that the Resolution authorizing the contract and the contract itself are available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality; and

**WHEREAS**, it has been determined that the value of this contract may exceed \$17,500, and therefore the contract is also subject to the provisions of the State’s Local Unit Pay-to-Play Law, N.J.S.A. 19:44A-20.4, *et seq.*; and

**WHEREAS**, the anticipated term of this contract is for one (1) year, and until a the appointment and qualification of a successor, and it may only be renewed upon further action of the Borough Council; and

**WHEREAS**, this contract is intended to be awarded as a “non-fair and open contract” pursuant to and in accordance with the Local Unit Pay-to-Play Law;

**WHEREAS**, Clarke Caton Hintz has completed and submitted a Business Entity Disclosure Certification pursuant to the Local Unit Pay-to-Play law (specifically, at N.J.S.A. 19:44A-20.8), and has further submitted a certification that the firm is in compliance with the Borough’s own Pay-to-Play ordinance (Section 2-59 of the *Revised General Ordinances of the Borough of Hightstown*);

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

1. That the Mayor is authorized to execute and the Borough Clerk to attest an Agreement between the Borough of Hightstown and Brian M. Slauch of the firm Clarke Caton Hintz, of Trenton, New Jersey regarding the above-referenced professional municipal planning services, as set forth herein.
2. That this contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because Clarke Caton Hintz, LLC is a firm whose municipal planners are authorized by law to practice a recognized profession.

3. That this contract is being awarded in accordance with the Local Unit Pay-to-Play Law and Section 2-59 of the *Revised General Ordinances of the Borough of Hightstown*, and the Business Disclosure Entity Certification, and other certifications required pursuant to same shall be placed on file with the contract.

Resolution 2023-14

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

**APPOINTING AND AUTHORIZING AN AGREEMENT FOR  
PROFESSIONAL GRANT WRITING SERVICES – CGP&H, LLC**

**WHEREAS**, there exists the need for specialized grant writing services for 2023; and

**WHEREAS**, the Borough Council wishes to CGP&H, LLC of Cranbury, New Jersey Grant Writer effective January 1, 2023; and

**WHEREAS**, the cost for the proposed services shall not exceed \$25,000.00 without further approval by the Borough Council; and,

**WHEREAS**, funds for this purpose will be made available in the 2023 budget; and,

**WHEREAS**, the Borough Attorney has reviewed and approved the contract for execution by the Borough; and

**WHEREAS**, the Local Public Contracts Law authorizes the awarding of a contract for “professional services” without public advertising for bids and bidding, provided that the Resolution authorizing the contract and the contract itself are available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality; and

**WHEREAS**, it has been determined that the value of this contract may exceed \$17,500, and therefore the contract is also subject to the provisions of the State’s Local Unit Pay-to-Play Law, N.J.S.A. 19:44A-20.4, *et seq.*; and

**WHEREAS**, the anticipated term of this contract is for one (1) year, or until the appointment and qualification of a successor, and it may only be renewed upon further action of the Borough Council; and

**WHEREAS**, this contract is intended to be awarded as a “non-fair and open contract” pursuant to and in accordance with the Local Unit Pay-to-Play Law;

**WHEREAS**, the firm of CGP&H, LLC has completed and submitted a Business Entity Disclosure Certification pursuant to the Local Unit Pay-to-Play law (specifically, at N.J.S.A. 19:44A-20.8), and has further submitted a certification that the firm is in compliance with the Borough’s own

Pay-to-Play ordinance (Section 2-59 of the *Revised General Ordinances of the Borough of Hightstown*);

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

1. That the Mayor is authorized to execute and the Borough Clerk to attest an Agreement between the Borough of Hightstown and CGP&H, LLC regarding the above-referenced professional grant writing services, as set forth herein.
2. That this contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because CGP&H, LLC is a firm whose grant writers are authorized by law to practice a recognized profession.
3. That this contract is being awarded in accordance with the Local Unit Pay-to-Play Law and Section 2-59 of the *Revised General Ordinances of the Borough of Hightstown*, and the Business Disclosure Entity Certification, and other certifications required pursuant to same shall be placed on file with the contract.

Resolution 2023-15

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

**APPOINTING AND AUTHORIZING AN AGREEMENT FOR  
PROFESSIONAL SERVICES – ADMINISTRATIVE AGENT OF  
HIGHTSTOWN BOROUGH AFFORDABLE HOUSING PROGRAM**

**WHEREAS**, there exists the need for an Administrative Agent to oversee the Affordable Housing Program in Hightstown Borough for 2023; and

**WHEREAS**, the Borough Council wishes to appoint Randall Gottesman of CGP&H, LLC of Cranbury, New Jersey Administrative Agent for Affordable Housing effective January 1, 2023; and

**WHEREAS**, the cost for the proposed services shall not exceed \$5,000.00 without further approval by the Borough Council; and,

**WHEREAS**, funds for this purpose will be made available in the 2023 budget; and,

**WHEREAS**, the Borough Attorney has reviewed and approved the contract for execution by the Borough; and

**WHEREAS**, the Local Public Contracts Law authorizes the awarding of a contract for “professional services” without public advertising for bids and bidding, provided that the Resolution authorizing the contract and the contract itself are available for public inspection in the

office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality; and

**WHEREAS**, it has been determined that the value of this contract may exceed \$17,500, and therefore the contract is also subject to the provisions of the State's Local Unit Pay-to-Play Law, N.J.S.A. 19:44A-20.4, *et seq.*; and

**WHEREAS**, the anticipated term of this contract is for one (1) year, or until the appointment and qualification of a successor, and it may only be renewed upon further action of the Borough Council; and

**WHEREAS**, this contract is intended to be awarded as a "non-fair and open contract" pursuant to and in accordance with the Local Unit Pay-to-Play Law;

**WHEREAS**, the firm of CGP&H, LLC has completed and submitted a Business Entity Disclosure Certification pursuant to the Local Unit Pay-to-Play law (specifically, at N.J.S.A. 19:44A-20.8), and has further submitted a certification that the firm is in compliance with the Borough's own Pay-to-Play ordinance (Section 2-59 of the *Revised General Ordinances of the Borough of Hightstown*);

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

1. That the Mayor is authorized to execute and the Borough Clerk to attest an Agreement between the Borough of Hightstown and CGP&H, LLC regarding the above-referenced administrative agent for affordable housing services, as set forth herein.
2. That this contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because CGP&H, LLC is a firm whose administrative agents for affordable housing are authorized by law to practice a recognized profession.
3. That this contract is being awarded in accordance with the Local Unit Pay-to-Play Law and Section 2-59 of the *Revised General Ordinances of the Borough of Hightstown*, and the Business Disclosure Entity Certification, and other certifications required pursuant to same shall be placed on file with the contract.

Resolution 2023-16

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

**APPOINTING AND AUTHORIZING AN AGREEMENT FOR**



**PROFESSIONAL AFFORDABLE HOUSING ATTORNEY – MICHAEL  
HERBERT, ESQ.**

**WHEREAS**, four (4) proposals were opened on December 1, 2022 for professional Affordable Housing Attorney services for the year 2023; and

**WHEREAS**, there exists the need for specialized legal services relative to affordable housing matters during 2023; and

**WHEREAS**, the proposals were reviewed and evaluated by a sub-committee of the Borough Council; and

**WHEREAS**, the Borough Council wishes to appoint Michael Herbert, Esq. of Parker McCay of Mount Laurel, New Jersey as Affordable Housing Attorney effective January 1, 2023; and

**WHEREAS**, the cost for the proposed services shall not exceed \$10,000.00 without further approval by the Borough Council; and,

**WHEREAS**, funds for this purpose will be made available in the 2023 budget; and,

**WHEREAS**, the Borough Attorney will review and approve the contract for execution by the Borough; and

**WHEREAS**, this contract is awarded as a “fair and open contract” pursuant to and in accordance with the Local Unit Pay-to-Play Law.

**NOW, THEREFORE, BE IT HEREBY RESOLVED**, by the Borough Council of the Borough of Hightstown that the Mayor is authorized to execute and the Borough Clerk to attest an agreement between the Borough of Hightstown and Michael Herbert for Affordable Housing Attorney for the year 2023.

Resolution 2023-17

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

**APPOINTING AND AUTHORIZING AN AGREEMENT FOR PROFESSIONAL  
OPRA/RECORDS ATTORNEY – GARY MAREK, ESQ.**

**WHEREAS**, six (6) proposals were opened on December 1, 2022 for professional OPRA/Records Attorney services for the year 2023; and

**WHEREAS**, there exists the need for specialized legal services relative to OPRA/Records matters during 2023; and



**Housing Authority**

Terry Parliaros	5 years	December 31, 2027
Brent Rivenburgh	5 Years	December 31, 2027

**Board of Health**

Vacant	3 Years	December 31, 2025
Edyth Duffy	3 Years	December 31, 2025
Skye Gilmartin (Alt #1)	2 Years	December 31, 2024

**Cultural Arts Commission**

Mark Cimigliaro (Peddie School)	1 Year	December 31, 2023
Heather Lisk (School Staff)	1 Year	December 31, 2023
Stephanie Spann (Parks & Recreation)	1 Year	December 31, 2023
Geoff Trapp (Artist)	Ux. 3 Years	December 31, 2024
Adam Welch (Artist)	3 Years	December 31, 2025
Ann Marie Miller (Art Appreciation)	3 Years	December 31, 2025
Fiona Misiura (Art Appreciation)	3 Years	December 31, 2025
Sue Howard (Alt. #1)	1 Year	December 31, 2023
Vacant (Alt. #2)	1 Year	December 31, 2023

Resolution 2023-19

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

**DESIGNATING CERTIFYING AGENT FOR PENSION FUNDS**

**BE IT RESOLVED** by the Mayor and Council of the Borough of the Hightstown that, in accordance with requirements of the Public Employee's Retirement System and the Policeman's and Fireman's Retirement System, Borough Chief Financial Officer George J. Lang is hereby designated as Certifying Agent for Pension Funds, and shall be responsible for processing and submitting all documents, as required, pertaining to the aforesaid retirement systems.

Resolution 2023-20

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

### **AUTHORIZING ISSUANCE OF INTERIM CHECKS**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that authorization be given to the Deputy CFO to issue checks for the purpose of payroll and/or emergency payments between Council meetings during 2023, and that these payments will appear on the bill list to be approved by the Mayor and Council at the next regularly scheduled Council meeting.

Resolution 2023-21

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

### **AUTHORIZING PETTY CASH FUNDS**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the Borough Clerk, the Finance Office and the Superintendent of the Wastewater Treatment Plant are authorized to be custodians of funds, as follows, for the purpose of petty cash expenditures:

Borough Clerk's Office - \$50.00

Finance Office - \$100.00

Water & Sewer Department - \$50.00

Resolution 2023-22

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

### **AUTHORIZING 2023 TEMPORARY OPERATING BUDGET – CURRENT**

**WHEREAS**, N.J.S.A. 40A:4-19 provides that:

“The governing body may and, if any contracts, commitments or payments are to be made prior to the adoption of the budget, shall by resolution adopted within the first 30 days of the beginning of the fiscal year, make appropriations to provide for the period between the beginning of the fiscal year and the adoption of the budget.

*The total of appropriations so made shall not exceed 26.25% of the total of the appropriations made for all purposes in the budget for the preceding fiscal year excluding in both instances, appropriations made for interest and debt redemption charges, capital improvement fund and public assistance.”*

; and

**WHEREAS**, 26.25 percent of the total appropriations in the 2022 current budget, exclusive of appropriations for capital improvement fund and debt service, is \$1,946,189.31;

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

1. The 2023 Temporary Operating Budget (Current), as detailed on the annexed Schedule, totaling \$1,946,100.00 for Operating and \$642,200.00 for Capital and Debt Service is hereby adopted in accordance with N.J.S.A. 40A:4-19.
2. Certified copies of this Resolution shall be provided forthwith to the Chief Financial Officer and Borough Auditor.

Resolution 2023-23  
*BOROUGH OF HIGHTSTOWN  
COUNTY OF MERCER  
STATE OF NEW JERSEY*

**AUTHORIZING 2023 TEMPORARY OPERATING BUDGET – WATER/SEWER**

**WHEREAS**, N.J.S.A. 40A:4-19 provides that:

“The governing body may and, if any contracts, commitments or payments are to be made prior to the adoption of the budget, shall by resolution adopted within the first 30 days of the beginning of the fiscal year, make appropriations to provide for the period between the beginning of the fiscal year and the adoption of the budget.

*The total of appropriations so made shall not exceed 26.25% of the total of the appropriations made for all purposes in the budget for the preceding fiscal year excluding in both instances, appropriations made for interest and debt redemption charges, capital improvement fund and public assistance.”*

; and

**WHEREAS**, 26.25 percent of the total appropriations in the 2022 water-sewer utility budget,

exclusive of appropriations for capital improvement fund and debt service, is \$644,455.61

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

1. The 2023 Temporary Operating Budget (Water/Sewer), as detailed on the annexed Schedule, totaling \$644,000.00 for Operating and \$399,000.00 for Debt Service is hereby adopted in accordance with N.J.S.A. 40A:4-19.
2. Certified copies of this Resolution shall be provided forthwith to the Chief Financial Officer and Borough Auditor.

### **ADOPTING CASH MANAGEMENT PLAN**

**WHEREAS**, the Chief Financial Officer, in accordance with the requirements of N.J.S.A. 40A:5-14, has prepared a Cash Management Plan (“the Plan”) for the year 2023 which designates the depositories for Borough funds, outlines procedures for the handling thereof, and details other responsibilities with regard to Borough funds; and

**WHEREAS**, it is the desire of the Mayor and Council to formally adopt the Plan.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the Cash Management Plan for the year 2023 which is attached hereto and made a part hereof is hereby adopted.

### **BOROUGH OF HIGHTSTOWN**

**County of Mercer, New Jersey**

**Cash Management Plan**

**FY 2023**

### **I. STATEMENT OF PURPOSE**

This Cash Management Plan (the “Plan”) is prepared pursuant to the provisions of NJSA 40A:5-14 in order to set forth the basis for the deposits and investment of certain public funds of the Borough of Hightstown, pending the use of such funds for the intended purposes. The plan is intended to assure that all public funds identified herein are deposited in interest bearing Deposits

of otherwise invested in Permitted Investments hereinafter referred to. The intent of the Plan is to provide that the decisions made with regard to the Deposits and the Permitted Investments will be done to insure the safety, the liquidity (regarding its availability for the intended purposes), and the maximum investment return within such limits. The Plan is intended to insure that any Deposit or Permitted Investment matures within the time period that approximates the prospective need for the funds deposited or invested so that there is not a risk to the market value of such Deposits or Permitted Investments.

## **II. IDENTIFICATION OF FUNDS AND ACCOUNTS TO BE COVERED BY THE PLAN**

A. The Plan is intended to cover the deposit and/or investment of the following funds and accounts of the Borough of Hightstown. Two authorized signatories are required for disbursements, that shall include the Deputy Chief Financial Officer, the Chief Financial Officer; Administrative Assistant-Finance, Business Administrator, Municipal Clerk; and/or the Mayor for the following accounts:

1. Current Fund
  - a. Current
  - b. Grant Fund
2. Trust Funds
  - a. Builder's Performance Escrow

Planning and Zoning Board Escrow

Engineering Escrow

- b. Law Enforcement Trust
    - c. Animal Trust Fund
    - d. Payroll
    - e. Public Defender
    - f. Unemployment Trust
    - g. Other Trusts
    - h. Hightstown Tax Collector Lien Trust
3. General Capital

a. General Capital & various reserves to include arbitrage funds

4. Water-Sewer Utility

a. Operating

b. Capital

B. It is understood that this Plan is not intended to cover certain funds and accounts of the Borough of Hightstown, Specifically:

1. Municipal Court - Authorized Signatory, Court Clerk and Municipal Judge

a. Fines Account

b. Bail Accounts

**III. DESIGNATION OF OFFICIALS OF THE BOROUGH OF HIGHTSTOWN AUTHORIZED TO MAKE DEPOSITS AND INVESTMENTS UNDER THE PLAN.**

The Chief Financial Officer, Administrative Assistant-Finance and Accounts Payable Clerk of the Borough of Hightstown are hereby authorized and directed to deposit and/or invest the funds referred to in the Plan. Prior to making any such Deposits or any Permitted Investments, such officials are directed to supply to all depositories or any other parties with whom the Deposits or Permitted Investments are made with a written copy of this Plan which shall be acknowledged in writing by such parties and a copy of such acknowledgment kept on file with such officials.

**IV. DESIGNATION OF DEPOSITORIES**

The following banks and financial institutions are hereby designated as official depositories for the Deposit of all public funds referred to in the Plan, including any certificates of Deposit which are not otherwise invested in Permitted Investments as provided for in this Plan:

BANK OF NEW YORK

TD BANK

MORGAN STANLEY CHASE BANK

BCB BANK



WELLS FARGO BANK

PROVIDENT BANK

BANK OF PRINCETON

FULTON BANK

GARDEN STATE COMMUNITY BANK

NEW JERSEY ASSET & REBATE  
MANAGEMENT PROGRAM

NEW JERSEY CASH MANAGEMENT

PNC BANK

SANTANDER BANK

BANK OF AMERICA

SUN NATIONAL BANK

LAKELAND BANK

All depositories must conform to the Government Unit Deposit Protection Act (GUDPA), and shall provide a Notification of Eligibility from the State of New Jersey, Department of Banking, on a semi-annual basis. In addition, designated depositories shall maintain maximum FDIC or FSLIC coverage of all Borough funds on deposit as permitted by law.

## **V. DEPOSIT OF FUNDS**

All funds shall be deposited within forty-eight (48) hours of receipt, in accordance with N.J.S.A. 40A:5-15, into appropriate fund operating accounts. Non-interest bearing operating and capital accounts shall be regularly monitored for the availability of funds for investment. Debt Service and Trust accounts shall be maintained in accordance with Federal and State statutes, regulating such funds. Payroll, Developers' Escrow, Professional Fees Escrow, Performance Bond deposits and other agency funds, which represent funds of individuals and other organizations held by the Borough, shall be deposited in interest bearing checking accounts, unless applicable State statutes direct otherwise. Grant funds shall be deposited in accordance with the regulations of the granting government or agency.

Where compensating balances are required by any designated depository to offset the cost of services provided, an agreement between the Borough and the depository shall be executed, specifying the charge for each service and the balance required to offset each charge. Said agreement shall be reviewed on an annual basis.

**VI. DESIGNATION OF BROKERAGE FIRMS AND DEALERS WITH WHOM THE DESIGNATED OFFICIALS MAY DEAL.**

The preceding listed brokerage firms and/or dealers and other institutions are hereby designated as firms with whom the Designated Officials of the Borough, referred to in this Plan may deal for purposes of buying and selling securities identified in this Plan as Permitted Investments or otherwise providing for Deposits. All such brokerage firms and/or dealers shall acknowledge in writing receipt of this Plan by sending a copy of such acknowledgment to the Designated Officials referred to in Section III above.

**VII. INVESTMENT INSTRUMENTS AND PROCEDURE**

A. Except as otherwise specifically provided for herein, the Designated Officials are hereby authorized to invest the public funds covered by this Plan, to the extent not otherwise held in Deposits, in the following Permitted Investments:

1. Bonds or other obligations of the United States of America or obligations guaranteed by the United States of America;
2. Government money market mutual funds;
3. Any obligation that a federal agency or a federal instrumentality has issued in accordance with an act of Congress, which security has a maturity date not greater than 397 days from the date of purchase, provided that such obligation bears a fixed rate of interest not dependent on any index or other external factor;
4. Bonds or other obligations of the Local Unit or bonds or other obligations of school districts of which the Local Unit is a part or within which the School district is located;
5. Bonds or other obligations, having a maturity date not more than 397 days from the date of purchase, approved by the Division of Investment of the Department of the Treasury for investment by Local Units;
6. Local government investment pools;
7. Deposits with the State of New Jersey Cash Management Fund established pursuant to section 1 of P.L. 1977,c.281 (C.52:18A-90.4); or
8. Agreements for the repurchase of fully collateralized securities if:
  - a. the underlying securities are permitted investments pursuant to paragraphs (1) and (3) of this

subsection a;

- b. the custody of collateral is transferred to a third party;
- c. the maturity of the agreement is not more than 30 days;
- d. the underlying securities are purchased through a public depository as defined in section 1 of P.L. 1970, c.236 (C.17:9-41); ND
- e. A master repurchase agreement providing for the custody and security of collateral is executed.

For purposes of the above language, the terms “government money market mutual fund” and “local government investment pool” shall have the following definitions:

Government Money Market Mutual Fund. An Investment Company or investment trusts:

- a. Which is registered with the Securities and Exchange Commission under the “Investment Company Act of 1940,” 15 U.S.C. sec. 80a-1 et seq., and operated in accordance with 17 C.F.R. sec. 270.2a-7.
- b. The portfolio of which is limited to U.S. Government securities that meet the definition of any eligible security pursuant to 17 C.F.R. sec 270.2a-7 and repurchase agreements that are collateralized by such U.S. Government securities: and
- c. Which has:
  - Attained the highest ranking or the highest letter and numerical rating of a nationally recognized statistical rating organization; or
  - Retained an investment advisor registered or exempt from registration with the Securities and Exchange Commission pursuant to the “Investment Advisors Act of 1940,” 15 U.S.C. sec.80b-1 et seq., with experience investing in U.S. Government securities for at least the most recent past 60 Months and with assets under management in excess of \$500 million.

Local Government Investment Pool. An investment pool:

- a. Which is managed in accordance with 17 C.F.R. sec. 270.2a.7;
- b. Which is rated in the highest category by a nationally recognized statistical rating organization; that is limited to U.S. Government securities that meet the definition of an eligible security pursuant to 17 C. F.R. sec. 270.2a-7 and repurchase agreements that are collateralized by U.S. Government securities;
- c. Which is in compliance with rules adopted pursuant to the “Administrative Procedure Act,” P.L. 1968, c.410 (c.52:14B-1 et seq.) by the Local Finance Board of the Division of Local Government Services in the Department of Community Affairs, which rules shall provide for disclosure and reporting requirements, and other provisions deemed necessary by the board to provide for the safety, liquidity and yield of the investments;
- d. Which does not permit investments in instruments that: are subject to high price volatility with changing market conditions; cannot reasonable be expected, at the time of interest rate adjustment, to have a market value that approximates their par value; or utilize an index that does not support a stable net asset value; and
- e. Which purchases and redeems investments directly from the issuer, government money market mutual fund, or the State of New Jersey Cash Management Fund, or through the use of a national or State bank, located within this State, or through a broker-dealer which, at the time of purchase or redemption, has been registered continuously for a period of at least two years pursuant to section9 of P.L. 1967 c.9 (C.49:3-56) and has at least \$25 million in capital stock (or equivalent capitalization if not a corporation), surplus reserves for contingencies and undivided profits, or through a securities dealer who makes primary markets in U.S. Government securities and reports daily to the Federal Reserve Bank of New York its position in and borrowing on such U.S. Government securities.

**VIII. SAFEKEEPING CUSTODY PAYMENT AND ACKNOWLEDGMENT OF RECEIPT OF PLAN.**

To the extent that any Deposit or Permitted Investment involves a document or security which is not physically held by the Borough, then such instrument or security shall be covered by a custodial agreement with an independent third party, which shall be a bank or financial institution in the State of New Jersey. Such institution shall provide for the designation of such investments in the name of the Borough to assure that there is no unauthorized use of the funds or the Permitted Investments that involve securities shall be executed by a “delivery versus payment” method to

insure that such Permitted Investments are either received by the Borough or by a third party custodian prior to or upon the release of the Borough's funds.

To assure that all parties with whom the Borough deals either by way of Deposits or Permitted Investments are aware of the authority and the limits set forth in this Plan, all such parties shall be supplied with a copy of this Plan in writing and all such parties shall acknowledge the receipt of that Plan in writing, a copy of which shall acknowledge the receipt of that Plan in writing, a copy of which shall be on file with the Designated Official(s).

## **IX. DISBURSEMENT OF FUNDS**

All funds shall be disbursed as authorized and directed in accordance with statutory provisions. The Chief Financial Officer shall, at the beginning of the fiscal year, present to the Borough Council a schedule of debt service principal and interest payments and when available, a schedule of School Tax payments for the upcoming fiscal year. Upon review of the schedules of payments by the Borough Council, the Chief Financial Officer shall then have the authority to make the following disbursements:

School Taxes

County Taxes

Interfunds

Purchase of Investments

Debt Service

Salaries and Wages

Postage

Petty Cash Reimbursements

Payroll Withholdings- *e.g.*, Taxes, Dues, Deferred Compensation, Bonds, Garnishments, Pension

## **X. PETTY CASH FUND**

Reimbursements for expenditures through the Petty Cash Funds shall be made within the limits

approved by the Director of the Division of Local Government Services. The Petty Cash Funds Shall be maintained in accordance with N.J.S.A. 40A:5-21. Petty Cash Funds shall be maintained in the following amounts:

Finance	100.00
Borough Clerk	50.00
Advanced Wastewater Treatment	50.00

**XI. BONDING**

The following officials shall be covered by surety bonds; said surety bonds to be examined by the independent auditor to insure their proper execution:

Chief Financial Officer

Tax Collector

Borough Clerk

Municipal Court Administrator

Staff members of the Departments of Finance, Tax Collection and Municipal Court not covered by separate surety bonds shall be covered by a Public Employee's Faithful Performance Bond.

**XII. COMPLIANCE**

The Cash Management Plan of the Borough of Hightstown shall be subject to the approval of the Borough Attorney, and shall be subject to the annual audit conducted pursuant to N.J.S.A. 40A:5-4.

As stated in N.J.S.A. 40A:5-14, the official(s) charged with the custody of Borough funds shall deposit them as instructed by this Cash Management Plan, and shall thereafter be relieved of any liability or loss due to the insolvency or closing of any designated depository.

If at any time, this Cash Management Plan conflicts with any regulation of the State of New Jersey, or and department thereof, the applicable State regulations shall apply.

**XIII. REPORTING REQUIREMENTS.**

By the tenth day of each month during which this Plan is in effect, the Designated Official(s) referred to in Section III hereof shall supply to the governing body of the Borough a written report of any Deposits or Permitted Investments made pursuant to this Plan, which shall include, at a minimum, the following information:

A. The Name of any institution holding funds of the Borough as a Deposit or a Permitted

Investment.

- B. The amount of securities or Deposits purchased or sold during the immediately preceding month.
- C. The class or type of securities purchased or Deposits made.
- D. The book value of such Deposits or Permitted Investments.
- E. The earned income on such Deposits or Permitted Investment. To the extent that such amounts are actually earned at maturity, this report shall provide an accrual of such earnings during the immediately preceding month.
- F. The fees incurred to undertake such Deposits or Permitted Investments.
  - G. The market value of all Deposits or Permitted Investments as of the end of the immediately preceding month.
  - H. All other information which may be deemed reasonable from time to time by the governing body of the Borough.

Implementation of this section is dependent upon adequate staffing in the Finance Office.

#### **XIV. TERM OF PLAN**

This Plan shall be in effect from January 1, 2023 to December 31, 2023. Attached to this Plan is a resolution of the governing body of the Borough of Hightstown approving this Plan for such period of time. The Plan may be amended from time to time. To the extent that any amendment is adopted by the Council, the Designated Official(s) is/are directed to supply copies of the amendments to all of the parties who otherwise have received the copy of the originally approved Plan. The amendment shall be acknowledged in writing in the same manner as the original Plan was so acknowledged.

Resolution 2023-25

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

#### **ESTABLISHING THE RATE OF INTEREST CHARGED ON DELINQUENT TAXES**

**WHEREAS**, N.J.S.A. 54:4-67 permits the Borough to establish by resolution the rate of interest

to be charged for the non-payment of taxes or assessments on any installment which is not made within the tenth (10th) calendar day following the date upon which the same became due and payable; and

**WHEREAS**, Chapter 75, P.L. 1991, permits the Mayor and Council to establish a penalty to be charged to a taxpayer with a delinquency in excess of \$10,000.00 who fails to pay that delinquency prior the end of the calendar year; and

**WHEREAS**, the Mayor and Council wish to continue the policies currently in effect with respect to delinquent taxes;

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

1. Pursuant to N.J.S.A. 54:4-67, the Mayor and Council hereby reaffirm that the following interest shall be charged for the non-payment of taxes or assessments on any installment which is not made before or within the tenth (10th) calendar day following the date upon which same become payable: Eight (8%) percent annum on the first \$1,500.00 of the delinquency, and eighteen (18%) percent per annum on any amount in excess of \$1,500.00, to be calculated from the date the tax was payable and until the date of actual payment. The term “delinquent” as used herein shall mean the sum of all taxes and municipal charges due on a given parcel of property covering any number of quarters or years.
2. In accordance with Chapter 75 of the Laws of 1991, any taxpayers with a delinquency in excess of Ten Thousand (\$10,000.00) Dollars who fails to pay that delinquency prior to the end of any calendar year, shall be assessed a penalty for that year of six (6%) percent of the amount of the delinquency, in addition to the interest provided for in Paragraph 1.
3. The provisions of paragraphs 1 and 2 herein shall remain in effect unless and until superseded by Borough resolution or ordinance.

Resolution 2023-26

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

**AUTHORIZING DEPOSITORIES AND SIGNATURES  
FOR BOROUGH ACCOUNTS**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the banks designated as depositories of monies of the Borough of Hightstown are hereby established in accordance with the Cash Management Plan adopted by the Borough on January 3, 2023; and

**BE IT FURTHER RESOLVED** that the following officers of the Borough of Hightstown be



hereby authorized to sign checks for the payment of money from the accounts of the Borough of Hightstown and that **all notes and drafts** of the Borough of Hightstown be signed in like manner by any two of said same officers:

Susan Bluth, Mayor  
Michael J. O'Connor, Deputy Chief Financial Officer  
George J. Lang, Chief Financial Officer  
Dimitri Musing, Borough Administrator  
Margaret Riggio, Borough Clerk

**BE IT FURTHER RESOLVED** that the following officers of the Borough of Hightstown be hereby authorized to sign checks for the **payment of salaries and wages** from the accounts of the Borough of Hightstown:

Susan Bluth, Mayor  
Michael J. O'Connor, Deputy Chief Financial Officer  
George J. Lang, Chief Financial Officer  
Dimitri Musing, Borough Administrator  
Margaret Riggio, Borough Clerk

**BE IT FURTHER RESOLVED** that the following officers of the Borough of Hightstown be hereby authorized to sign checks for the payment of money from the **Animal Control Account**:

Susan Bluth, Mayor  
Michael J. O'Connor, Deputy Chief Financial Officer  
George J. Lang, Chief Financial Officer  
Dimitri Musing, Borough Administrator  
Margaret Riggio, Borough Clerk

**BE IT FURTHER RESOLVED** that the following officers of the Borough of Hightstown be hereby authorized to sign checks for the payment of money from the **Water & Sewer Operating Account**:

Susan Bluth, Mayor  
Michael J. O'Connor, Deputy Chief Financial Officer  
George J. Lang, Chief Financial Officer  
Dimitri Musing, Borough Administrator  
Margaret Riggio, Borough Clerk

**BE IT FURTHER RESOLVED** that the following officers of the Borough of Hightstown be hereby authorized to sign checks for payment of money from the **Trust Accounts**:

Susan Bluth, Mayor  
Michael J. O'Connor, Deputy Chief Financial Officer  
George J. Lang, Chief Financial Officer  
Dimitri Musing, Borough Administrator  
Margaret Riggio, Borough Clerk

**BE IT FURTHER RESOLVED** that the following officers of the Borough of Hightstown be hereby authorized to sign checks for payment of money from the **Unemployment Trust Fund**:

Susan Bluth, Mayor  
Michael J. O'Connor, Deputy Chief Financial Officer  
George J. Lang, Chief Financial Officer  
Dimitri Musing, Borough Administrator  
Margaret Riggio, Borough Clerk

**BE IT FURTHER RESOLVED** that the following officers of the Borough of Hightstown be hereby authorized to sign checks for payment of money from the **Public Defender Account**:

Susan Bluth, Mayor  
Michael J. O'Connor, Deputy Chief Financial Officer  
George J. Lang, Chief Financial Officer  
Dimitri Musing, Borough Administrator  
Margaret Riggio, Borough Clerk

**BE IT FURTHER RESOLVED** that the following officers of the Borough of Hightstown be hereby authorized to sign checks for payment of money from the **Current Account**:

Susan Bluth, Mayor  
Michael J. O'Connor, Deputy Chief Financial Officer  
George J. Lang, Chief Financial Officer  
Dimitri Musing, Borough Administrator  
Margaret Riggio, Borough Clerk

**BE IT FURTHER RESOLVED** that the following officers of the Borough of Hightstown be hereby authorized to sign checks for the payment of money from the **Capital Funds** of the Borough of Hightstown:

Susan Bluth, Mayor  
Michael J. O'Connor, Deputy Chief Financial Officer  
George J. Lang, Chief Financial Officer  
Dimitri Musing, Borough Administrator  
Margaret Riggio, Borough Clerk

**BE IT FURTHER RESOLVED** that the following officers of the Borough of Hightstown be hereby authorized to sign checks for payment of money from the **Grant Account**:

Susan Bluth, Mayor  
Michael J. O'Connor, Deputy Chief Financial Officer  
George J. Lang, Chief Financial Officer  
Dimitri Musing, Borough Administrator

Margaret Riggio, Borough Clerk

**BE IT FURTHER RESOLVED** that the following officers of the Borough of Hightstown be hereby authorized to sign checks for payment of money from the **Law Enforcement Trust Account**:

Susan Bluth, Mayor  
Michael J. O'Connor, Deputy Chief Financial Officer  
George J. Lang, Chief Financial Officer  
Dimitri Musing, Borough Administrator  
Margaret Riggio, Borough Clerk

**BE IT FURTHER RESOLVED** that the following officers of the Borough of Hightstown be hereby authorized to sign checks for payment of money from the **Escrow Accounts (Subdivision Site Plan)**:

Susan Bluth, Mayor  
Michael J. O'Connor, Deputy Chief Financial Officer  
George J. Lang, Chief Financial Officer  
Dimitri Musing, Borough Administrator  
Margaret Riggio, Borough Clerk

**BE IT FURTHER RESOLVED**, that the Borough Clerk, Borough Administrator, Chief Financial Officer, Tax Collector, and the Municipal Court Administrator shall not be held liable for any loss of public money deposited by them with the aforesaid banks when such loss is occasioned by the failure of such banks faithfully to account for and pay over such money on legal demand.

Resolution 2023-27

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

**AUTHORIZING DEPOSITORIES AND SIGNATURES  
FOR MUNICIPAL COURT ACCOUNTS**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the banks designated as depositories of monies of the Borough of Hightstown and the Hightstown Borough Municipal Court are hereby established in accordance with the Cash Management Plan adopted by the Borough on January 3, 2023; and

**BE IT FURTHER RESOLVED** that the following Municipal Court Officers of the Hightstown Borough Municipal Court be hereby authorized to sign checks for the payment of money from the accounts of the Hightstown Borough Municipal Court and that **all notes and drafts** of the

Hightstown Borough Municipal Court be signed in like manner by any one of said same officers:

Seth Kurs, Municipal Judge  
Carol Gaynor, Municipal Court Administrator  
Hailey Goudie, Deputy Court Administrator

**BE IT FURTHER RESOLVED**, that the Municipal Judge, Municipal Court Administrator and the Deputy Court Administrator shall not be held liable for any loss of public money deposited by them with the aforesaid banks when such loss is occasioned by the failure of such banks faithfully to account for and pay over such money on legal demand.

Resolution 2023-28

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

### **GRANTING AUTHORITY FOR APPROVAL OF CERTAIN PURCHASES**

**WHEREAS**, pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1 *et seq.*, the governing body may delegate the power to award purchases, contracts and/or agreements through State Contracts and/or Purchasing Cooperatives to which Hightstown Borough is a member; and

**WHEREAS**, in the interest of streamlining Borough operations and improving efficiency, it is the desire of the Mayor and Council to authorize the Purchasing Agent to approve purchases, contracts and agreements through State Contracts and/or Purchasing Cooperatives, subject to provisions and requirements of the Local Public Contracts Law, N.J.S.A. 40A:11-1 *et seq.*; and

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the Purchasing Agent is hereby authorized to approve purchases, contracts and/or agreements through State Contracts and/or Purchasing Cooperatives to which Hightstown Borough is a member without further action from Council, provided that funds are available to cover the expenditure. Purchase approvals made by the Purchasing Agent by virtue of the adoption of this Resolution shall be subject to the provisions and requirements of the Local Public Contracts Law, N.J.S.A. 40A:11-1 *et seq.*

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

#### **Councilmember Frantz**

He thanked everyone for their support. He thanked his wife and residents of Hightstown. He looks forward to serving the Borough.

#### **Councilmember Montferrat**

Congratulated Councilmember Frantz and Council President Jackson. He thanked Mr. Quattrone for his effort and service. Thanked Mr. Misiura for his friendship. Both men will be missed.

### **Councilmember Fowler**

Congratulated Mayor Bluth, Councilmember Frantz and Council President Jackson. Thanked Mr. Quattrone and Mr. Misiura, they have been very helpful during her first 2 years on Council.

### **Councilmember Jackson**

Wished everyone a Happy New Year. It was a pleasure to work with Mr. Quattrone and Mr. Misiura. The time and effort they put into the put into the Borough is incredible. Congratulated Mayor Bluth and Councilmember Frantz.

### **Mayor's Address**

*“NEVER IN MY WILDEST IMAGINATION DID I EVER THINK THAT I WOULD ONE DAY BE ELECTED THE MAYOR OF HIGHTSTOWN. IT'S BEEN AN AMAZING JOURNEY.*

*THOSE WHO KNOW ME KNOW THAT I FIGHT FOR WHAT I BELIEVE IN AND I'M NOT AFRAID TO SPEAK MY MIND. A FEW SHORT YEARS AFTER I MOVED TO HIGHTSTOWN IN 2005, THE BOROUGH DID A REVALUATION OF ALL THE PROPERTIES. MY TAXES DOUBLED, AS DID ALL OF THE HOMEOWNERS IN WYCKOFF'S MILL, WHERE I LIVE. NONE OF US WERE HAPPY ABOUT THIS MAJOR INCREASE. I WAS ON THE BOARD OF DIRECTORS AT THAT TIME AND SINCE OUR DEVELOPMENT IS AT THE VERY END OF HIGHTSTOWN AT THE BORDER OF EAST WINDSOR, I TOOK IT UPON MYSELF TO CONTACT THE MAYOR OF EAST WINDSOR, JANICE MIRONOV. I ASKED MAYOR MIRONOV IF WYCKOFF'S COULD SECEDE FROM HIGHTSTOWN AND BECOME A PART OF EAST WINDSOR. MAYOR MIRONOV TOLD ME THAT SHE WAS FLATTERED BY THE REQUEST BUT UNFORTUNATELY THAT WASN'T POSSIBLE.*

*I THEN LED A LARGE GROUP OF HOMEOWNERS TO A COUNCIL MEETING TO PROTEST THE LARGE INCREASE IN OUR PROPERTY TAXES. OF COURSE, MY IMPASSIONED PLEA TO THE COUNCIL DIDN'T RESULT IN A DECREASE IN OUR TAXES.*

*BUT AFTER THAT NIGHT, WHICH WAS THE FIRST TIME THAT I HAD ATTENDED A COUNCIL MEETING, A FIRE WAS LIT IN ME. I KEPT COMING TO THE MEETINGS. EVENTUALLY, SOMEONE APPROACHED ME AND ASKED IF I WOULD LIKE TO JOIN THE HIGHTSTOWN DEMOCRATIC CLUB (I DON'T REMEMBER WHO, SO IF YOU WERE THAT PERSON, PLEASE DON'T BE MAD AT ME). I JOINED THE CLUB, CONTINUED TO ATTEND COUNCIL MEETINGS, AND IN 2011 I WAS ASKED IF I WOULD LIKE TO RUN FOR COUNCIL. I RAN, WAS ELECTED, HAVE BEEN ON COUNCIL SINCE THEN, AND NOW, HIGHTSTOWN'S RESIDENTS HAVE GIVEN ME THE PRIVILEGE OF SERVING AS THEIR MAYOR. I AM DEEPLY GRATEFUL FOR THE TRUST THAT HAS BEEN PLACED IN ME.*

*I CHERISH THE RELATIONSHIPS THAT I'VE FORGED WITH OUR COUNTY AND STATE OFFICIALS AND HOPE TO STRENGTHEN THOSE RELATIONSHIPS.*

*I WISH TO CONGRATULATE JOSH ON BEING THE NEXT COUNCIL PRESIDENT AND WARMLY WELCOME OUR NEW COUNCIL MEMBER, TODD. I GREATLY LOOK FORWARD TO WORKING WITH THESE TWO INDIVIDUALS IN THEIR NEW CAPACITIES, AS I DO WITH THE REST OF MY FELLOW COUNCIL MEMBERS.*

*FINALLY, I WANT TO RECOGNIZE THE TWO INDIVIDUALS WHO WILL NO LONGER BE SITTING WITH ME AT THE COUNCIL TABLE.*

*FIRST - STEVE – IT’S BEEN A PLEASURE TO SERVE ON COUNCIL WITH YOU DURING THE ENTIRETY OF YOUR NINE YEARS ON COUNCIL. WE MIGHT NOT HAVE ALWAYS AGREED ON SOME ISSUES, BUT KNOW THAT I HAVE THE UTMOST RESPECT FOR YOU AND I’LL MISS YOU.*

*AND LASTLY - LARRY – THANK YOU FOR YOUR UNSELFISH LEADERSHIP OVER THESE PAST EIGHT YEARS AS MAYOR. YOU HAVE SHOWN THE RESIDENTS OF HIGHTSTOWN AND THE BOROUGH COUNCIL YOUR STEADFAST RESOLVE AND FORTITUDE. I HOPE THAT I CAN SERVE THIS AMAZING BOROUGH AS WELL AS YOU DID. YOU WILL BE GREATLY MISSED, NOT ONLY BY ME, BUT BY EVERYONE IN HIGHTSTOWN. PLEASE DON’T BE A STRANGER.*

*THANK YOU FOR JOINING US THIS EVENING. MAY THE NEW YEAR BRING YOU AND YOURS GOOD HEALTH AND MUCH HAPPINESS. PLEASE STAY AND ENJOY THE REFRESHMENTS THAT HAVE BEEN SET UP IN THE BACK. BUT IN ORDER TO DO THAT – AND I’M DYING FOR A CUP OF COFFEE – WILL SOMEONE PLEASE MAKE A MOTION TO ADJOURN.”*

**ADJOURNMENT 7:12 p.m.**

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

Respectfully Submitted,

Margaret Riggio  
Borough Clerk

Approved by Hightstown Borough Council: \_\_\_\_\_

**Meeting Minutes  
Hightstown Borough Council  
January 17, 2023  
6:30 p.m.**

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

The flag salute followed Roll Call.

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

Also in attendance: Margaret (Peggy) Riggio, Borough Clerk; Dimitri Musing, Borough Administrator; Fred Raffetto, Borough Attorney; Ken Lewis, Superintendent of Public Works and Carmela Roberts, Borough Engineer.

The Flag Salute followed roll call.

**APPROVAL OF AGENDA**

Moved by Councilmember Montferrat; Seconded by Councilmember Cicalese.

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

Agenda approved 5-0.

**APPROVAL OF MINUTES**

Councilmember Fowler moved the following minutes for approval:

- December 5, 2022 – Public Session
- December 5, 2022 – Executive Session

December 19, 2022 – Public Session  
December 19, 2022 – Executive Session

Seconded by Councilmember Cicalese.

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

Minutes approved 3-0 with 1 abstention.

### **COUNCIL VACANCY**

Mr. Raffetto explained that the Council seat became vacant when Mayor Bluth resigned her position before being sworn in as Mayor. In this instance, we must follow the Municipal Vacancy Law. The Hightstown Democratic Committee submitted three nominees to the Borough Clerk on January 11, 2023. The names submitted were: Jeet Gulati, Dr. Haritha Chityala and Anne Studholme.

Mayor Bluth opened the floor for nominations: Councilmember Montferrat nominated Jeet Gulati. Mr. Gulati is an active member of the Democratic Committee has volunteered on the Hightstown Housing Authority and Harvest Fair Committee. He feels Mr. Gulati would be a wonderful addition to Council. Ms. Fowler seconded the nomination.

### **Resolution 2023-29 Appointing a Councilmember to Fill the Vacancy Until the November General Election**

Moved by Councilmember Cicalese; Seconded by Councilmember Frantz

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

Resolution adopted 4-0.

Resolution 2023-29

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

### **APPOINTING A COUNCILMEMBER TO FILL A VACANCY UNTIL THE NOVEMBER GENERAL ELECTION**

**WHEREAS**, there exists a vacancy in the office of Councilmember due to the resignation of Susan Bluth effective January 3, 2023; and

**WHEREAS**, the Municipal Vacancy Law (N.J.S.A. 40A:16-1 *et seq.*), provides that the



Municipal Committee of the party that previously filled the seat shall submit within fifteen (15) days three (3) names for Council's consideration in filling the vacancy; and

**WHEREAS**, the Democratic Municipal Committee submitted the names of three (3) Nominees on January 11, 2023; and

**WHEREAS**, pursuant to the Municipal Vacancy Law, the Borough Council must, fill the vacancy by the appointment of a successor from the three (3) Nominees put forward from same political party which had nominated the incumbent whose office had become vacant; and

**WHEREAS**, the Borough Council has publicly deliberated the nominees presented by the Democratic Municipal Committee to fill the vacancy with a member who would best serve the residents of the Borough; and

**WHEREAS**, by vote of Borough Council, the Council has decided to appoint Jeet Gulati to fill the position of Councilmember until the next General Election on November 7, 2023, when a successor will be elected by the voters to fulfill the vacant unexpired term of Councilmember ending December 31, 2024.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that Jeet Gulati is hereby appointed to serve in the position of Councilmember to fill the vacancy until the General Election on November 7, 2023, when a successor will be elected by the voters to fulfill the vacant unexpired term of Councilmember Susan Bluth ending December 31, 2024.

Ms. Bluth Swore in Mr. Gulati. Mr. Gulati took his place on the dais.

## **PRESENTATIONS**

### **Fire Department Banners**

Austin Frank, volunteer, Hightstown Engine Company No. 1, presented a plan to hang banners throughout Hightstown for a membership drive. They feel the visibility would help attract new members. They are looking to place 4 – 6 banners at strategic locations in town. They are asking permission to have signs placed for a period of 6 months. Discussion ensued. Council supports this initiative. It was stated that the fire department will need to work with Mr. Musing and Mr. Chin regarding the locations. The fire department will need to work with Mr. Chin to ensure that the banners are installed safely. It was also requested that to stay within the confines of our Borough Code that the signs be moved every 2 months. After a unanimous straw vote, Council approved the placement of the banners.

## **ENGINEERING ITEMS**

### **Improvements to Maxwell Avenue**

Carmela Roberts, Borough Engineer, reviewed her January 12, 2023, letter for Improvements to Maxwell Avenue. A grant for \$621,2700 was received from NJDOT. The estimated construction cost is \$744,810.00. The work would include replacement of deteriorated curb, sidewalk, and curb ramps as necessary, new sidewalk where none currently exists on one side of the road, upgrades to storm drains, milling and paving, replacement of signage and striping and the construction of a roundabout at the intersection of East Ward Street. Ms. Roberts also recommends water and sewer upgrades which would include replacing the existing water main on Maxwell Avenue and replacement of water services. Improvements may also be needed to the existing sanitary sewer system within the project area. The Borough must also continue to move forward with lead water service replacement. Ms. Roberts recommends expanding the project to include the replacement of lead water lines in areas beyond Maxwell Avenue. This would include all or portions of Monmouth Street, Manlove Avenue, Broad Street, Cole Avenue and Clinton Street. Expanding the project to include the lead service replacement beyond Maxwell Avenue would maximize the NJ Water Bank's potential 50% loan forgiveness for contracts up to \$1,000,000. Discussion ensued Council all stated that they support the project and think the roundabout is needed and will deter truck traffic. They also believe it is important to continue to move forward with the replacement of lead service line replacement.

Ken Lewis, Superintendent of Public Works, stated that he would like Council to reconsider the roundabout. The garbage truck will not be able to maneuver the circle. By narrowing the driveway by the Peddie School, the road will be too narrow and will create maintenance issues. He asked that this be taken into consideration.

After further discussion, it was decided that Council will revisit this discussion at the February 6<sup>th</sup> meeting. In the meantime, Mr. Lang will have bond ordinances prepared for the full amount of the project. The bond ordinance will be introduced at the February 6<sup>th</sup> meeting.

### **Resolution 2023-30 Authorizing Design, Inspection and Contract Administration for the Installation of Rapid Flashing Beacons at Stockton Street and Oak Lane**

Moved by Councilmember Cicalese; Seconded by Councilmember Fowler.

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

Resolution adopted 5-0.

Resolution 2023-30  
*BOROUGH OF HIGHTSTOWN*  
*COUNTY OF MERCER*  
*STATE OF NEW JERSEY*

**AUTHORIZING DESIGN, INSPECTION AND CONTRACT ADMINISTRATION  
FOR THE INSTALLATION OF RAPID FLASHING BEACONS AT STOCKTON  
STREET & OAK LANE**

**WHEREAS**, Borough Council wishes to have two rectangular rapid flashing beacons installed across Stockton Street between Oak Lane and Harron Avenue; and

**WHEREAS**, the Borough Engineer has provided a cost not to exceed \$10,000.00 to survey, design, prepare and receive proposals, apply for all County approvals, act as inspection engineer and contract administrator for the project; and

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

**NOW, THEREFORE BE IT RESOLVED**, that the Borough Engineer is hereby authorized as the design engineer, construction inspection engineer and contract administrator for the installation of rapid flashing beacons at Stockton Street & Oak Lane at a cost not to exceed \$10,000.00

**PUBLIC COMMENT**

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

**Eugene Sarafin, 628 South Main Street** – Stated that he does not like that he cannot hear Council without microphones. He also feels that the podium present for the public is not necessary. He believes that democracy is present in Hightstown. He likes the discussion, sharing ideas and looking at all points of view. He thinks this is a wonderful group of people.

**Matt Morgan, 123 Orchard Lane** – He liked the discussion on the roundabout. Asked that Council do their due diligence before a decision is made. He thinks the original plan is good. Thanked Council for the discussion.

**Anne Studholme, 409 South Main Street** – Stated that it is great to see everyone in person. She is in 100% support of Fire Department banners. Offered to have a banner placed on her lawn.

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

**RESOLUTIONS**

**Resolution 2023-31 Authorizing Payment of Bills**

Moved by Councilmember Montferrat; Seconded by Councilmember Fowler.

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

Resolution adopted 4-0 with 1 abstention.

Resolution 2023-31

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

**AUTHORIZING PAYMENT OF BILLS**

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

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the bills be paid on audit and approval of the Borough Administrator, the appropriate Department Head and the Treasurer in the amount of \$1,438,116.59 from the following accounts:

Current		\$1,341,609.38
W/S Operating		69,677.58
General Capital		3,142.50
Water/Sewer Capital		19,335.38
Grant		0.00
Trust		0.00
Unemployment Trust		0.00
Animal Control		0.00
Law Enforcement Trust		0.00
Tax Lien Trust		0.00
Public Defender Trust		0.00
Housing Trust		0.00
Escrow		<u>4,351.75</u>
Total		<u>\$1,438,116.59</u>

**Resolution 2023-32 Appointing Council Liaisons**

Moved by Councilmember Fowler; Seconded by Councilmember Montferrat.

Mayor Bluth stated that she would like to make a few changes to the resolution. They are as follows:

Councilmember Frantz Liaison to Environmental Commission and First Aid Squad

Councilmember Gulati Liaison to the Housing Authority and Finance

Mayor Bluth Liaison to the Cultural Arts Commission and Water/Sewer

Councilmember Cicalese moved Resolution 2023-32 as amended; Seconded by Councilmember Frantz

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

Resolution adopted 5-0.

Resolution 2023-32

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

**APPOINTING COUNCIL LIAISONS**

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

**JOE CICALEASE**

Board of Health  
Parks and Recreation

**CRISTINA FOWLER**

Fire Department  
Administration

**TODD FRANTZ**

Environmental Commission  
First Aid Squad

**JEET GULATI**

Housing Authority  
Finance

**JOSHUA JACKSON**

Historic Preservation Commission  
Public Works

**FRED MONTFERRAT**

Construction/Inspections/Zoning

**MAYOR BLUTH**

Cultural Arts Commission  
Water & Sewer

**Resolution 2023-33 Authorizing Installation of New LED Luminaire at Route 33 and Broad Street**

Moved by Councilmember Cicalese; Seconded by Councilmember Gulati.

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

Resolution adopted 5-0.

Resolution 2023-33

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

**AUTHORIZING INSTALLATION OF NEW LED LUMINAIRE AT ROUTE 33 AND BROAD STREET**

**WHEREAS**, on March 2, 2020, through Resolution 2020-071, Hightstown Borough requested that the New Jersey Department of Transportation install Flashing Pedestrian Beacons at the crosswalk at the intersection of State Highway Route 33 (Franklin Street) and Broad Street in the Borough; and

**WHEREAS**, in order to meet the current lighting standards at this location, NJDOT is requesting that Hightstown Borough have JCP&L install a new LED luminaire at the SE corner and replace the existing HPS type luminaire at the NW corner to the following LED, 4000K, Type R3M Optic, 108W Cobra Head Roadway Luminaire or their equivalents.

**NOW THEREFORE BE IT RESOLVED**, that the Mayor and Council of the Borough of Hightstown, authorize JCP&L to change the type of luminaire on utility wood poles as detailed herein in order to meet current lighting standards as requested by the New Jersey Department of Transportation.

**CONSENT AGENDA**

Councilmember Montferrat moved Resolutions 2023-34, 2023-35, 2023-36, 2023-37 and 2023-38 as a Consent Agenda; Councilmember Frantz seconded.

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

Resolution adopted 5-0.

Resolution 2023-34

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

**AUTHORIZING PAYMENT NO. 4 – ALLIED PAINTING, INC. (WATER TANK PAINTING AND REPAIR AT FIRST AVENUE, LESHIN LANE AND CRANBURY STATION ROAD)**

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

**WHEREAS**, the contractor has submitted a request for payment No. 4 in the amount of \$66,437.30, for partial payment through November 30, 2022; and

**WHEREAS**, the Borough Engineer has recommended approval of Payment Request No. 4 to the contractor in the amount of \$66,437.30; and

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that Payment Request No. 4 to Allied Painting, Inc., of Cherry Hill New Jersey for \$66,437.30, is hereby approved as detailed herein, and the Deputy CFO is authorized to issue same.

Resolution 2023-35

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

**AUTHORIZING PAYMENT NO. 21 - THE MUSIAL GROUP, P.A.  
(ARCHITECTURAL AND CONTRACT ADMINISTRATION SERVICES FOR  
MUNICIPAL FACILITIES LOCATED AT 230 MERCER STREET)**

**WHEREAS**, Resolution 2019-44, appointed the Musial Group as Architect and Contract Administrator for the municipal facilities project located at 230 Mercer Street; and

**WHEREAS**, Resolution 2019-44 also authorized concept design at a cost not to exceed \$40,000; and

**WHEREAS**, Resolution 2019-115, adopted on June 3, 2019, authorized the remainder of the project at a total cost not to exceed \$459,895.00; and

**WHEREAS**, Resolution 2020-40, adopted on January 21, 2020, amended the contract to not exceed \$472,895.00 without further authorization of the Governing Body; and

**WHEREAS**, Resolution 2020-153, adopted on August 3, 2020, amended the contact to not exceed \$511,995.00 without further authorization of the Governing Body; and

**WHEREAS**, the architect has submitted payment request No. 21 for professional services for October 30, 2022 – December 17, 2022 in the total amount of \$10,290.95.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the payment request to The Musial Group, P.A. of Mountainside, New Jersey in the amount of \$10,290.95, is hereby approved as detailed herein, and the Deputy CFO is authorized to issue same.

Resolution 2023-36

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

**AUTHORIZING PAYMENT NO. 1 (FINAL) EARLE ASPHALT – IMPROVEMENTS  
TO STOCKTON STREET AT OAK LANE**

**WHEREAS**, at the direction of Borough Council, the Borough Engineer authorized Earle Asphalt Company of Farmingdale, New Jersey to make various improvements at the intersection of Stockton Street and Oak Lane; and

**WHEREAS**, improvements were necessary to reduce stormwater ponding which occurred following the completion of the Stockton Street Curb and Sidewalk Improvement Project; and

**WHEREAS**, said improvements were authorized under the Borough’s Emergency Repair Contract with Earle Asphalt in order to eliminate potential freezing of the ponding water; and

**WHEREAS**, Earle Asphalt has submitted Payment No. 1 (FINAL) in the amount of \$50,250.00 for new inlets, curb ramp, concrete gutter, pavement improvements and pavement markings at the intersection of Stockton Street at Oak Lane; and

**WHEREAS**, the Borough Engineer recommends payment of \$50,250.00 be made to Earle Asphalt and the project be closed out; and

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

**NOW THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Hightstown that Payment Request No. 1 from Earle Asphalt Company of Farmingdale, New Jersey, is hereby approved as detailed herein, and the Deputy CFO is authorized to issue same.



Resolution 2023-37

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

**APPOINTING A MUNICIPAL HOUSING LIAISON**

**WHEREAS**, pursuant to Hightstown Borough Code Chapter 2 Subsection 2-25.2, there is a need for the appointment of a Municipal Housing Liaison (MHL); and

**WHEREAS**, the MHL may be a full-time or part-time employee of the Borough of Hightstown; and

**WHEREAS**, Borough Council wish to appoint, Borough Administrator, Dimitri Musing, as the Municipal Housing Liaison.

**NOW THEREFORE BE IT RESOLVED**, that the Mayor and Council of the Borough of Hightstown hereby appoints Dimitri Musing as Municipal Housing Liaison as set forth in Borough Code Article 2-25-2.

Resolution 2023-38

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

**AUTHORIZING A SHARED SERVICES AGREEMENT WITH ROBBINSVILLE  
TOWNSHIP FOR AUTOMOTIVE REPAIR SERVICES**

**WHEREAS**, the Borough of Hightstown desires to contract with the Township of Robbinsville for the provision of Automotive Repair services for the period of January 1, 2023 to December 31, 2024; and

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

**WHEREAS**, funds for this expenditure will be made available in the 2023 and 2024 budgets; and

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

1. That the Mayor is hereby authorized to execute and the Borough Clerk to attest the Shared Services Agreement on behalf of Hightstown.
2. That, in accordance with the aforementioned agreement, Hightstown hereby designates Frank Gendron, Police Chief, or his appointee, to schedule and be responsible for all repairs to police vehicles and Ken Lewis, Superintendent of Public Works, to schedule

and be responsible for all repairs to all other Borough-owned vehicles.

3. That, in accordance with the aforementioned agreement, no repair in excess of \$350 shall be made by Robbinsville unless specifically authorized by the designated Hightstown Borough Representative.
4. That the continuation of this agreement is contingent upon the availability of adequate funding in the Borough's 2023 and 2024 budgets.

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

### **Councilmember Cicalese**

- Board of Health
  - Held their reorganization meeting
  - The new chair for 2023 is Elizabeth Morely
- Parks and Recreation
  - Held their reorganization meeting
  - Stacey Judge will be chair for 2023.
- Both the Board of Health and Parks and Rec are in need of volunteers.
- He feels tonight was a good meeting and appreciates the conversation among Council.
- He thanked the Fire Department for their presentation.

### **Councilmember Gulati**

- Stated that it is great to be part of Council and be part of democracy in action.
- He is looking forward to doing this with this group of people.

### **Councilmember Frantz**

- Environmental Commission
  - Met on January 10<sup>th</sup>
  - Henry Wang was sworn in as a new commissioner.
  - Tom Muza was sworn in as the new Chair.
  - There are still 3 vacancies to be filled.
  - The stream cleanup with the Watershed is scheduled for April 22<sup>nd</sup>.
  - They will once again be offering the Youth Environmental Leadership Program.
  - They are working on the Sustainable Jersey application which is due in May.

### **Councilmember Fowler**

- Memorial Day Parade
  - Will take place on Monday, May 29<sup>th</sup>

- Committee will be meeting this week
- Harvest Fair
  - Will take place Saturday, October 7<sup>th</sup>
  - The Committee will be meeting next month

### **Councilmember Montferrat**

- Planning Board
  - Bev Asselstine will serve as Chair and John Laudenberger will serve as Vice Chair
  - They are working on the Fair Share Housing Plan and COAH
  - They are also getting ready for the reexamination of the Master Plan
- Construction and Zoning
  - Continuing to work on property maintenance.

### **Mayor Bluth**

- Announced her mayoral appointments:
  - Police Commissioner – Councilmember Cristina Fowler
  - Planning Board – Dimitri Musing, Matt Morgan and Ray Cabot
  - Historic Preservation Commission – Joe Lauderback
  - Parks and Recreation Commission – Patricia Hunt
- Cultural Arts Commission
  - Received and \$8,000 grant from Mercer County Cultural and Heritage Grant

### **EXECUTIVE SESSION**

#### **Resolution 2023-39 Authorizing a Meeting that Excludes the Public**

Moved by Councilmember Fowler; Seconded by Councilmember Montferrat.

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

Resolution adopted 5-0.

Resolution 2023-39

*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 January 17, 2023, at the Hightstown Fire House located at 140 North Main Street, Hightstown, that will be limited only to consideration of an item or items with respect to which the public may be excluded pursuant to section 7b of the Open Public Meetings Act.

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

Personnel – Chief of Police

Contract Negotiations – Insurance Settlement 148 North Main Street,  
Lexington Insurance, an AIG Company

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 April 17, 2023, or when the need for confidentiality no longer exists.

The public is excluded from said meeting, and further notice is dispensed with, all in accordance with sections 8 and 4a of the Open Public Meetings Act.

**Adjournment to Executive Session 8:06 p.m.**

Council return to public session at 8:36 p.m.

**Resolution 2023-40 Authorizing Acceptance of Insurance Settlement for 148 North Main Street**

Moved by Councilmember Cicalese; Seconded by Councilmember Montferrat.

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

Resolution adopted 5-0.

Resolution 2023-40

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

**A RESOLUTION AUTHORIZING ACCEPTANCE OF INSURANCE SETTLEMENT**

**WHEREAS**, due to damages caused by Hurricane Irene on August 27, 2011, Hightstown Borough suffered a loss of its property located at 148 North Main Street and much of its contents; and

**WHEREAS**, Lexington Insurance Company has determined the amount of loss and damage to total \$2,295,00.00; and

**WHEREAS**, Hightstown Borough's insurance deductible under their policy is \$500,000.00; and

**WHEREAS**, a prior payment of \$200,000.00 was received from Lexington Insurance Company; and

**WHEREAS**, the final amount of this insurance claim is \$1,595,000.00.

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that Hightstown Borough accepts the final claim in the amount of \$1,595,000.00 and that the Mayor is authorized to sign any associated documents to process payment of this claim.

**ADJOURNMENT at 8:38 p.m.**

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

Respectfully Submitted,

Margaret Riggio, RMC  
Borough Clerk

Approved by Hightstown Borough Council: \_\_\_\_\_

# Ordinance 2023-01

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

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

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

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

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

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

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

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

**NOW, THEREFORE, BE IT ORDAINED**, by the Mayor and Council of The Borough of Hightstown, in the County of Mercer and State of New Jersey, that the existing provisions contained within Chapter 24, entitled “Flood Damage Prevention,” of the “Revised General Ordinances of the

Borough of Hightstown, New Jersey” (also referenced as the “Borough Code”) are hereby repealed in their entirety.

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

## **Chapter 24. Flood Damage Prevention**

### **Article 24-1. Scope and Administration**

#### **§ 24-1-1. Title.**

These regulations, in combination with the flood provisions of the Uniform Construction Code (UCC) N.J.A.C. 5:23 (hereinafter “Uniform Construction Code,” consisting of the Building Code, Residential Code, Rehabilitation Subcode, and related codes, and the New Jersey Flood Hazard Area Control Act (hereinafter “FHACA”), N.J.A.C. 7:13, shall be known as the *Floodplain Management Regulations* of the Borough (hereinafter “these regulations”).

#### **§ 24-1-2. Scope.**

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

#### **§ 24-1-3. Purposes and Objectives.**

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

- A. Protect human life and health.
- B. Prevent unnecessary disruption of commerce, access, and public service during times of flooding.
- C. Manage the alteration of natural floodplains, stream channels and shorelines;
- D. Manage filling, grading, dredging and other development which may increase flood damage or erosion potential.
- E. Prevent or regulate the construction of flood barriers which will divert floodwater or increase flood hazards.

- F. Contribute to improved construction techniques in the floodplain.
- G. Minimize damage to public and private facilities and utilities.
- H. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas.
- I. Minimize the need for rescue and relief efforts associated with flooding.
- J. Ensure that property owners, occupants, and potential owners are aware of property located in flood hazard areas.
- K. Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events.
- L. Meet the requirements of the National Flood Insurance Program for community participation set forth in Title 44 Code of Federal Regulations, Section 59.22.

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

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

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

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

**§ 24-1-6. Warning.**

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

**§ 24-1-7. Other Laws.**

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



Federal law.

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

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

Each day in which a violation of an ordinance exists shall be considered to be a separate and distinct violation subject to the imposition of a separate penalty for each day of the violation as the Court may determine except that the owner will be afforded the opportunity to cure or abate the condition during a 30 day period and shall be afforded the opportunity for a hearing before the court for an independent determination concerning the violation. Subsequent to the expiration of the 30 day period, a fine greater than \$1,250 may be imposed if the court has not determined otherwise, or if upon reinspection of the property, it is determined that the abatement has not been substantially completed.

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

#### **A. Solid Waste Disposal in a Flood Hazard Area.**

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

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

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

### **Article 24-2. Applicability**

**§ 24-2-1. General.**

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

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

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

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

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

A. Effective Flood Insurance Study.

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

Table 24-2-2(1)

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

B. Federal Best Available Information.

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

Table 24-2-2(2)

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

C. Other Best Available Data.

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

Table 24-2-2(3)

Map Description	Ordinance Number	Date Effective	Date Withdrawn and Ordinance Number

D. State Regulated Flood Hazard Areas.

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

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

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

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

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

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

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

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

- D. Class IV Critical Facilities.

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

E. Class III Critical Facilities.

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

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

**§ 24-3-1. Floodplain Administrator Designation.**

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

**§ 24-3-2. General.**

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

**§ 24-3-3. Coordination.**

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

**§ 24-3-4. Duties.**

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

- A. Review all permit applications to determine whether proposed development is located in flood hazard areas established in Article 24-2 of these regulations.
- B. Require development in flood hazard areas to be reasonably safe from flooding and to be designed and constructed with methods, practices and materials that minimize flood damage.
- C. Interpret flood hazard area boundaries and provide available flood elevation and flood hazard

information.

- D. Determine whether additional flood hazard data shall be obtained or developed.
- E. Review required certifications and documentation specified by these regulations and the building code to determine that such certifications and documentations are complete.
- F. Establish, in coordination with the Construction Official, written procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to Article 24-3-14 of these regulations.
- G. Coordinate with the Construction Official and others to identify and investigate damaged buildings located in flood hazard areas and inform owners of the requirement to obtain permits for repairs.
- H. Review requests submitted to the Construction Official seeking approval to modify the strict application of the flood load and flood resistant construction requirements of the Uniform Construction code to determine whether such requests require consideration as a variance pursuant to Article 24-7 of these regulations.
- I. Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps when the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within 6 months of such data becoming available.
- J. Require applicants who propose alteration of a watercourse to notify adjacent jurisdictions and the NJDEP Bureau of Flood Engineering, and to submit copies of such notifications to the Federal Emergency Management Agency (FEMA).
- K. Inspect development in accordance with Article 24-6 of these regulations and inspect flood hazard areas to determine if development is undertaken without issuance of permits.
- L. Prepare comments and recommendations for consideration when applicants seek variances in accordance with Article 24-7 of these regulations.
- M. Cite violations in accordance with Article 24-8 of these regulations.
- N. Notify the Federal Emergency Management Agency when the corporate boundaries of the Borough have been modified.
- O. Permit Ordinary Maintenance and Minor Work in the regulated areas discussed in Article 24-2-2.

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

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

**§ 24-3-6. Other Permits.**

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

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

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

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

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

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

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

affecting flooding conditions, risk premium rates and floodplain management requirements will be based upon current data.

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

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

**§ 24-3-10. Floodway Encroachment.**

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

A. Floodway revisions.

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

**§ 24-3-11. Watercourse Alteration.**

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

A. Engineering analysis.

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

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

The excavation or alteration of sand dunes is governed by the New Jersey Coastal Zone Management



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

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

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

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

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

- A. Estimate the market value, or require the applicant to obtain a professional appraisal prepared by a qualified independent appraiser, of the market value of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made.
- B. Determine and include the costs of all ordinary maintenance and minor work, as discussed in Article 24-2-2, performed in the floodplain regulated by this ordinance in addition to the costs of those improvements regulated by the Construction Official in substantial damage and substantial improvement calculations.
- C. Compare the cost to perform the improvement, the cost to repair the damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, where applicable, to the market value of the building or structure.
- D. Determine and document whether the proposed work constitutes substantial improvement or

repair of substantial damage. This determination requires the evaluation of previous permits issued for improvements and repairs over a period of 10 years prior to the permit application or substantial damage determination as specified in the definition of substantial improvement. This determination shall also include the evaluation of flood related damages over a 10 year period to determine if the costs of repairs at the times of each flood constitutes a repetitive loss as defined by this ordinance.

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

#### **§ 24-3-15. Department Records.**

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

#### **§ 24-3-16. Liability.**

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

## **Article 24-4. Permits**

### **§ 24-4-1. Permits Required.**

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

### **§ 24-4-2. Application for Permit.**

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

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

### **§ 24-4-3. Validity of Permit.**

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

### **§ 24-4-4. Expiration.**

A permit shall become invalid when the proposed development is not commenced within 180 days after its issuance, or when the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions shall be requested in writing and justifiable cause

demonstrated. The Floodplain Administrator is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each.

**§ 24-4-5. Suspension or Revocation.**

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

**Article 24-5. Site Plans and Construction Documents**

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

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

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

Maintenance Plans, Warning and Evacuation Plans and other documentation required pursuant to FEMA publications.

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

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

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

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

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

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

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

- A. For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in Article 24-5-4 of these regulations and shall submit the Conditional Letter of Map Revision, if issued by FEMA, with the site plan and construction documents.

- B. For development activities proposed to be located in a riverine flood hazard area where base flood elevations are included in the FIS or FIRM but floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments will not increase the base flood elevation more than 0.2 feet at any point within the jurisdiction. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.
- C. For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained, neither increasing nor decreasing the channel's flood-carrying capacity. The applicant shall submit the analysis to FEMA as specified in Article 24-5-4 of these regulations. The applicant shall notify the chief executive officer of all affected adjacent jurisdictions, the NJDEP's Bureau of Flood Engineering and the Division of Land Resource Protection; and shall provide documentation of such notifications.
- D. For activities that propose to alter sand dunes in coastal high hazard areas (Zone V) and Coastal A Zones, an engineering analysis that demonstrates that the proposed alteration will not increase the potential for flood damage and documentation of the issuance of a New Jersey Coastal Zone Management permit under N.J.A.C. 7:7.
- E. For analyses performed using Methods 5 and 6 (as described in N.J.A.C. 7:13) in flood hazard zones without base flood elevations (approximate A zones).

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

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

### **Article 24-6. Inspections**

#### **§ 24-6-1. General.**

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

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

The Floodplain Administrator shall inspect all development in flood hazard areas authorized by

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

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

The Construction Official shall make or cause to be made, inspections for buildings and structures in flood hazard areas authorized by permit in accordance with the Uniform Construction Code, N.J.A.C. 5:23.

A. Lowest floor elevation.

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

B. Lowest horizontal structural member.

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

C. Installation of attendant utilities.

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

D. Final inspection.

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

### **§ 24-6-4. Manufactured Homes.**

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

### **Article 24-7. Variances**

#### **§ 24-7-1. General.**

The Planning Board shall hear and decide requests for variances. The Planning Board shall base its determination on technical justifications submitted by applicants, the considerations for issuance in

Article 24-7-5, the conditions of issuance set forth in Article 24-7-6, and the comments and recommendations of the Floodplain Administrator and, as applicable, the Construction Official. The Planning Board has the right to attach such conditions to variances as it deems necessary to further the purposes and objectives of these regulations.

**§ 24-7-2. Historic Structures.**

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

**§ 24-7-3. Functionally Dependent Uses.**

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

**§ 24-7-4. Restrictions in Floodways.**

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

**§ 24-7-5. Considerations.**

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

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



- F. The compatibility of the proposed development with existing and anticipated development.
- G. The relationship of the proposed development to the comprehensive plan and floodplain management program for that area.
- H. The safety of access to the property in times of flood for ordinary and emergency vehicles.
- I. The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwater and the effects of wave action, where applicable, expected at the site.
- J. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets, and bridges.

**§ 24-7-6. Conditions for Issuance.**

Variances shall only be issued upon:

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

**Article 24-8. Violations**

**§ 24-8-1. Violations.**

Any development in any flood hazard area that is being performed without an issued permit or that is in conflict with an issued permit shall be deemed a violation. A building or structure without the documentation of elevation of the lowest floor, the lowest horizontal structural member if in a V or

Coastal A Zone, other required design certifications, or other evidence of compliance required by the building code is presumed to be a violation until such time as that documentation is provided.

**§ 24-8-2. Authority.**

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

**§ 24-8-3. Unlawful Continuance.**

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

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

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

**Article 24-9. Definitions**

**§ 24-9-1. General.**

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

**§ 24-9-2. Definitions.**

**30 DAY PERIOD**

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

**100 YEAR FLOOD ELEVATION**

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

**500 YEAR FLOOD ELEVATION**

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

### **A ZONES**

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

### **AH ZONES**

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

### **AO ZONES**

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

### **ACCESSORY STRUCTURE**

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

### **AGRICULTURAL STRUCTURE**

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

### **AREA OF SHALLOW FLOODING**

A designated Zone AO, AH, AR/AO or AR/AH (or VO) on a community's Flood Insurance

Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**AREA OF SPECIAL FLOOD HAZARD**

See SPECIAL FLOOD HAZARD AREA.

**ALTERATION OF A WATERCOURSE**

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

**ASCE 7**

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

**ASCE 24**

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

**BASE FLOOD ELEVATION (BFE)**

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

**BASEMENT**

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

**BEST AVAILABLE FLOOD HAZARD DATA**

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

**BEST AVAILABLE FLOOD HAZARD DATA AREA**

The areal mapped extent associated with the most recent available preliminary flood risk

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

### **BEST AVAILABLE FLOOD HAZARD DATA ELEVATION**

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

### **BREAKAWAY WALLS**

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

### **BUILDING**

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

### **CONDITIONAL LETTER OF MAP REVISION**

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

### **CONDITIONAL LETTER OF MAP REVISION - FILL**

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

the review that is described in the Letter of Map Change (LOMC) process. Building permits cannot be issued based on a CLOMR, because a CLOMR does not change the NFIP map.

### **CRITICAL BUILDING**

Per the FHACA, “Critical Building” means that:

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

### **DEVELOPMENT**

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

### **DRY FLOODPROOFING**

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

### **ELEVATED BUILDING**

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

### **ELEVATION CERTIFICATE**

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

### **ENCROACHMENT**

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

### **FEMA PUBLICATIONS**

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

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

## **FLOOD OR FLOODING**

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

## **FLOOD HAZARD AREA DESIGN FLOOD ELEVATION**

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

## **FLOOD INSURANCE RATE MAP (FIRM)**

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

## **FLOOD INSURANCE STUDY (FIS)**

The official report in which the Federal Emergency Management Agency has provided flood profiles, as well as the Flood Insurance Rate Map(s) and the water surface elevation of the

base flood.

### **FLOODPLAIN OR FLOOD PRONE AREA**

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

### **FLOODPLAIN MANAGEMENT REGULATIONS**

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

### **FLOODPROOFING**

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

### **FLOODPROOFING CERTIFICATE**

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

### **FLOODWAY**

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

### **FREEBOARD**

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

### **FUNCTIONALLY DEPENDENT USE**

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

### **HABITABLE BUILDING**

Pursuant to the FHACA Rules (N.J.A.C. 7:13), means a building that is intended for regular human occupation and/or residence. Examples of a habitable building include a single-family



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

### **HARDSHIP**

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

### **HIGHEST ADJACENT GRADE**

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

### **HISTORIC STRUCTURE**

Any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- C. Individually listed on a State inventory of historic places in States with historic preservation programs which have been approved by the Secretary of the Interior; or
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - (1) By an approved State program as determined by the Secretary of the Interior; or
  - (2) Directly by the Secretary of the Interior in States without approved programs.

## **LAWFULLY EXISTING**

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

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

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

## **LETTER OF MAP AMENDMENT**

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

## **LETTER OF MAP CHANGE**

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

## **LETTER OF MAP REVISION**

A Letter of Map Revision (LOMR) is FEMA's modification to an effective Flood Insurance Rate Map (FIRM). Letter of Map Revisions are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA). The LOMR officially revises the Flood Insurance Rate Map (FIRM) and sometimes the Flood Insurance Study (FIS) report, and when appropriate, includes a description of the modifications. The LOMR is generally accompanied by an annotated copy of the affected portions of the FIRM or FIS report. Because a LOMR officially revises the effective NFIP map, it is a public record that the community must maintain. Any LOMR should be noted on the community's master flood map and filed by panel number in an accessible location.

### **LETTER OF MAP REVISION - FILL**

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

### **LICENSED DESIGN PROFESSIONAL**

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

### **LICENSED PROFESSIONAL ENGINEER**

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

### **LOCAL DESIGN FLOOD ELEVATION (LDFE)**

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

### **LOWEST ADJACENT GRADE**

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

### **LOWEST FLOOR**

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

### **MANUFACTURED HOME**

A structure that is transportable in one or more sections, eight (8) feet or more in width and greater than four hundred (400) square feet, built on a permanent chassis, designed for use with or without a permanent foundation when attached to the required utilities, and

constructed to the Federal Manufactured Home Construction and Safety Standards and rules and regulations promulgated by the U.S. Department of Housing and Urban Development. The term also includes mobile homes, park trailers, travel trailers and similar transportable structures that are placed on a site for 180 consecutive days or longer.

### **MANUFACTURED HOME PARK OR SUBDIVISION**

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

### **MARKET VALUE**

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

### **NEW CONSTRUCTION**

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

### **NON-RESIDENTIAL**

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

### **ORDINARY MAINTENANCE AND MINOR WORK**

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

### **RECREATIONAL VEHICLE**

A vehicle that is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled or permanently towable by a light-duty truck, and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use. A recreational vehicle is ready for

highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

### **REPETITIVE LOSS**

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

### **RESIDENTIAL**

Pursuant to the ASCE 24:

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

### **SOLID WASTE DISPOSAL**

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

### **SPECIAL FLOOD HAZARD AREA**

The greater of the following: (1) Land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year, shown on the FIRM as Zone V, VE, V1-3-, A, AO, A1-30, AE, A99, or AH; (2) Land and the space above that land, which lies below the peak water surface elevation of the flood hazard area design flood for a particular water, as determined using the methods set forth in the New Jersey Flood Hazard Area Control Act in N.J.A.C. 7:13; (3) Riparian Buffers as determined in the New Jersey Flood Hazard Area Control Act in N.J.A.C. 7:13. Also referred to as the AREA OF SPECIAL FLOOD HAZARD.

### **START OF CONSTRUCTION**

The Start of Construction is as follows:

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

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

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

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

## **STRUCTURE**

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

### **SUBSTANTIAL DAMAGE**

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

### **SUBSTANTIAL IMPROVEMENT**

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

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

### **UTILITY AND MISCELLANEOUS GROUP U BUILDINGS AND STRUCTURES**

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

### **VARIANCE**

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

### **VIOLATION**

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

### **WATER SURFACE ELEVATION**

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

### **WATERCOURSE**

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

## **WET FLOODPROOFING**

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

### **Article 24-10. Subdivisions and Other Developments**

#### **§ 24-10-1. General.**

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

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

#### **§ 24-10-2. Subdivision Requirements.**

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

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

### **Article 24-11. Site Improvement**

#### **§ 24-11-1. Encroachment in Floodways.**

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



requirements of N.J.A.C. 7:13.

A. Prohibited in floodways.

The following are prohibited activities:

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

**§ 24-11-2. Sewer Facilities.**

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

**§ 24-11-3. Water Facilities.**

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

**§ 24-11-4. Storm Drainage.**

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

**§ 24-11-5. Streets and Sidewalks.**

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

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

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

**§ 24-11-7. Hazardous Materials.**

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

## **Article 24-12. Manufactured Homes**

### **§ 24-12-1. General.**

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

### **§ 24-12-2. Elevation.**

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

### **§ 24-12-3. Foundations.**

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

### **§ 24-12-4. Anchoring.**

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

### **§ 24-12-5. Enclosures.**

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

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

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

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

### **Article 24-13. Recreational Vehicles**

#### **§ 24-13-1. Placement Prohibited.**

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

#### **§ 24-13-2. Temporary Placement.**

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

#### **§ 24-13-3. Permanent Placement.**

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

### **Article 24-14. Tanks**

#### **§ 24-14-1. Tanks.**

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

### **Article 24-15. Other Development and Building Work**

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

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

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

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

- A. Construction and Elevation in A Zones not including Coastal A Zones.
  - (1) No portion of a building is located within a V Zone.
  - (2) No portion of a building is located within a Coastal A Zone, unless a licensed design professional certifies that the building's foundation is designed in accordance with ASCE 24, Chapter 4.
  - (3) All new construction and substantial improvement of any habitable building (as defined in Article 24-9) located in flood hazard areas shall have the lowest floor, including basement, together with the attendant utilities (including all electrical, heating, ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated to or above the Local Design Flood Elevation as determined in Article 24-2-3, be in conformance with ASCE Chapter 7, and be confirmed by an Elevation Certificate.
  - (4) All new construction and substantial improvements of non-residential structures shall:

- (a) Have the lowest floor, including basement, together with the attendant utilities (including all electrical, heating, ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated to or above the Local Design Flood Elevation as determined in Article 24-2-3, be in conformance with ASCE Chapter 7, and be confirmed by an Elevation Certificate; or
- (b) Together with the attendant utility and sanitary facilities, be designed so that below the Local Design Flood Elevation, the structure:

[1] Meets the requirements of ASCE 24 Chapters 2 and 7; and

[2] Is constructed according to the design plans and specifications provided at permit application and signed by a licensed design professional, is certified by that individual in a Floodproofing Certificate, and is confirmed by an Elevation Certificate.

- (5) All new construction and substantial improvements with fully enclosed areas below the lowest floor shall be used solely for parking of vehicles, building access, or storage in an area other than a basement and which are subject to flooding. Enclosures shall:

- (a) For habitable structures, be situated at or above the adjoining exterior grade along at least one entire exterior wall, in order to provide positive drainage of the enclosed area in accordance with N.J.A.C. 7:13; enclosures (including crawlspaces and basements) which are below grade on all sides are prohibited;
- (b) Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters unless the structure is non-residential and the requirements of Article 24-15-2A(4)(b) are met;
- (c) Be constructed to meet the requirements of ASCE 24 Chapter 2;
- (d) Have openings documented on an Elevation Certificate; and
- (e) Have documentation that a deed restriction has been obtained for the lot if the enclosure is greater than six feet in height. This deed restriction shall be recorded in the Office of the County Clerk or the Registrar of Deeds and Mortgages in which the building is located, shall conform to the requirements in N.J.A.C.7:13, and shall be recorded within 90 days of receiving a Flood Hazard Area Control Act permit or prior to the start of any site disturbance (including pre-construction earth movement, removal of vegetation and structures, or construction of the project), whichever is sooner. Deed restrictions must explain and disclose that:

[1] The enclosure is likely to be inundated by floodwaters which may result in damage and/or inconvenience.

- [2] The depth of flooding that the enclosure would experience to the Flood Hazard Area Design Flood Elevation;
  - [3] The deed restriction prohibits habitation of the enclosure and explains that converting the enclosure into a habitable area may subject the property owner to enforcement;
- (6) For new construction or substantial improvements, enclosures shall be less than 295 square feet in size.

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

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

**§ 24-15-4. Fences.**

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

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

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

**§ 24-15-6. Swimming Pools.**

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

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

- A. For any railroad, roadway, or parking area proposed in a flood hazard area, the travel surface shall be constructed at least one foot above the Flood Hazard Area Design Elevation in accordance with N.J.A.C. 7:13.
- B. Roads and watercourse crossings that encroach into regulated floodways or riverine

waterways with base flood elevations where floodways have not been designated, including roads, bridges, culverts, low- water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, shall meet the requirements of Article 24-5-3(A) of these regulations.

## **Article 24-16. Temporary Structures and Temporary Storage**

### **§ 24-16-1. Temporary Structures.**

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

### **§ 24-16-2. Temporary Storage.**

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

### **§ 24-16-3. Floodway Encroachment.**

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

## **Article 24-17. Utility and Miscellaneous Group U**

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

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

### **§ 24-17-2. Flood Loads.**

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

### **§ 24-17-3. Elevation.**

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

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

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

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

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

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

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

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

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

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

**BE IT FURTHER ORDAINED**, that the provisions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to the portion of the



Ordinance actually adjudged invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.

Introduction:

Adoption:

**ATTEST:**

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MARGARET RIGGIO  
MUNICIPAL CLERK

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SUSAN BLUTH  
MAYOR

## ORDINANCE 2023-02

BOROUGH OF HIGHTSTOWN  
COUNTY OF MERCER  
STATE OF NEW JERSEY

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

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

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

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

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is improvements to Maxwell Avenue, including the

replacement of curbs, sidewalks and curb ramps as necessary, new sidewalks where none currently exist, upgrades to storm drains, milling and paving with base repairs as necessary, signage, striping and the construction of a roundabout at the intersection with East Ward Street, and further including all work and materials necessary therefor and incidental thereto.

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

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

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

amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

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

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

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

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

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

all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$105,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

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

Section 8. Any grant moneys received, other than those referred to in Section 1 hereto, shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the

Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

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

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

Introduction:

Adoption:

**ATTEST:**

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MARGARET RIGGIO  
BOROUGH CLERK

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SUSAN BLUTH  
MAYOR

# ORDINANCE 2023-3

BOROUGH OF HIGHTSTOWN  
COUNTY OF MERCER  
STATE OF NEW JERSEY

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

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

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

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

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

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

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

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

Section 5. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is



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

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

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

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 40 years.

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

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

purpose or improvement.

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

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

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

Section 10. The full faith and credit of the Borough are hereby pledged to the punctual

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

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

Introduction:

Adoption:

**ATTEST:**

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MARGARET RIGGIO  
BOROUGH CLERK

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SUSAN BLUTH  
MAYOR

# Resolution 2023-41

*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 \$2,166,456.89 from the following accounts:

Current		\$1,850,922.86	
W/S Operating		239,002.58	
General Capital		62,950.95	
Water/Sewer Capital		7,532.00	
Grant		0.00	
Trust		0.00	
Unemployment Trust		0.00	
Animal Control		0.00	
Law Enforcement Trust		0.00	
Tax Lien Trust		0.00	
Public Defender Trust		0.00	
Housing Trust		0.00	
Escrow		<u>6,048.50</u>	
Total		<u>\$2,166,456.89</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 February 6, 2023.

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Margaret Riggio  
Borough Clerk

Date: February 6, 2023

To: Mayor and Council

From: Finance Office

Re: Manual Bill List for 2/6/23

<u>CURRENT ACCOUNT</u>	<u>DATE ISSUED</u>	<u>PO #</u>	<u>CHECK #</u>	<u>Amount</u>
NJ DEP/TREASURER STATE OF NJ	12/31/2022	22-01703	34920	\$ 935.00
ASSETWORKS RISK MANAGEMENT INC	12/31/2022	22-01702	34926	\$ 1,120.00
NJ MOTOR VEHICLE COMMISSION	12/31/2022	22-01607	34919	\$ 150.00
USA BUILDING MAINTENANCE INC	12/31/2022	22-01662	34917	\$ 3,500.00
ROCKWOOD CORPORATION	12/31/2022	22-01508	34918	\$ 572.90
LETRICE THOMAS	12/31/2022	22-01640	34923	\$ 35.00
JUDITH PARROTT	12/31/2022	22-01644	34921	\$ 35.00
LISA CALAMITO DANCHAK	12/31/2022	22-01643	34924	\$ 35.00
LEROY SAUNDER	12/31/2022	22-01642	34922	\$ 89.00
ML FOOD SERVICES, LLC	12/31/2022	22-01645	34925	\$ 89.00
BANK OF AMERICA	1/19/2023	23-00009	35010	\$ 5,436.69
ALLIED PAINTING	1/23/2023	22-01266-04	35011	\$ 66,437.30
LINCOLN FINANCIAL	1/26/2023	23-00056/23-00007	35014	\$ 738.22
HARDROCK HOTEL & CASINO	1/26/2023	23-00066	35012	\$ 363.00
MCANJ	1/26/2023	23-00065	35013	\$ 400.00
EAST WINDSOR REGIONAL SCHOOL	1/13/2023	23-00102	1563	\$ 786,904.00
COUNTY OF MERCER COUNTY TAX	1/31/2023	23-00104	1564	\$ 4,160.80
STATE OF N.J.-DEPT OF TREASURY	1/13/2023	23-00103	1565	\$ 46,459.01
COUNTY OF MERCER COUNTY TAX	2/1/2023	23-00105	1566	\$ 787,696.79
<b>TOTAL</b>				<b>\$ 1,705,156.71</b>
 <u>WATER AND SEWER OPERATING</u>				
STATE OF N.J.-DEPT OF TREASURY	1/13/2023	23-00103	1390	\$ 22,443.47
NEW JERSEY INFRASTRUCTURE BANK	2/1/2023	23-00109	1391	\$ 92,277.34
<b>TOTAL</b>				<b>\$ 114,720.81</b>
 <u>ESCROW</u>				
ROBERTS ENGINEERING	1/18/2023	23-00008	3237	\$ 2,829.00
<b>TOTAL</b>				<b>\$ 2,829.00</b>
 <u>GRANT</u>				
<b>TOTAL</b>				<b>\$ -</b>
 <u>TRUST- OTHER</u>				
<b>TOTAL</b>				<b>\$ -</b>
 <u>ANIMAL CONTROL TRUST</u>				
<b>TOTAL</b>				<b>\$ -</b>
 <u>LAW ENFORCEMENT TRUST</u>				
<b>TOTAL</b>				<b>\$ -</b>
 <u>UNEMPLOYMENT TRUST</u>				
<b>TOTAL</b>				<b>\$ -</b>
 <u>PUBLIC DEFENDER TRUST</u>				
<b>TOTAL</b>				<b>\$ -</b>
 <u>TAX LIEN TRUST</u>				
<b>TOTAL</b>				<b>\$ -</b>
 <u>GENERAL CAPITAL</u>				
THE MUSIAL GROUP	1/23/2023	19-01488-16	6523	\$ 10,290.95
EARLE ALSPHALT COMPANY	1/24/2023	21-00842-01	6524	\$ 50,250.00
<b>TOTAL</b>				<b>\$ 60,540.95</b>
 <u>WATER AND SEWER CAPITAL</u>				
<b>TOTAL</b>				<b>\$ -</b>
<b>MANUAL TOTAL</b>				<b>\$ 1,883,247.47</b>

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

Vendor #	Name	PO #	PO Date	Description	Contract Amount	PO Type	Charge Account	Acct Type	Description	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date	Invoice	1099 Excl
<b>A0068 AIRPOWER INTERNATIONAL, INC.</b>															
		23-00020	01/20/23	SCBA COMPRESSOR YRLY CONTRACT											
		1		SCBA COMPRESSOR YRLY CONTRACT	1,905.00		3-01-25-252-002-123	B	Test Air Packs	R	01/20/23	01/31/23		12080	N
				Vendor Total:	1,905.00										
<b>A0584 AMERICAN TEST CENTERS</b>															
		22-01420	11/09/22	OSHA EQUIPMENT TESTING											
		1		OSHA EQUIPMENT TESTING	1,200.00		2-01-26-290-001-189	B	Safety Equipment & Testing	R	11/09/22	01/31/23		2230164	N
				Vendor Total:	1,200.00										
<b>APRUZ005 APRUZZESE, MCDERMOTT, MASTRO &amp;</b>															
		23-00070	01/26/23	JANUARY 2023 LABOR INV230167											
		1		JANUARY 2023 LABOR INV230167	1,665.00		3-01-20-155-001-031	B	Labor, Personnel & Union Council	R	01/26/23	01/31/23		230167	N
				Vendor Total:	1,665.00										
<b>A0054 AQUA PRO-TECH LABORATORIES</b>															
		22-01715	12/31/22	OUTSIDE LAB TESTING 12/14/22											
		1		OUTSIDE LAB TESTING 12/14/22	1,384.24		2-09-55-501-002-532	B	Outside Lab Testing	R	12/31/22	01/31/23		21100526M	N
				Vendor Total:	1,384.24										
<b>P0037 BRIAN PICKERING</b>															
		22-01677	12/31/22	CLOTHING ALLOWANCE REIMBURSE											
		1		CLOTHING ALLOWANCE - BRIAN	85.60		2-01-26-290-001-032	B	Uniforms	R	12/31/22	02/01/23		TARGET RCPT	N
				Vendor Total:	85.60										



Vendor #	Name	PO #	PO Date	Description	Amount	Contract Charge	PO Type Account	Acct Type Description	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date	Invoice	1099 Excl
<b>C0087 CUSTOM BANDAG, INC</b>														
		22-01708	12/31/22	TIRES FOR F450										
		1 INV	80213788	- TIRES FOR F450	557.36	2-01-26-290-001-034		B Motor Vehicle Parts & Access.	R	12/31/22	01/31/23		80213788	N
		Vendor Total:			557.36									
<b>C0088 CUSTOM ENVIRONMENTAL TECH, INC</b>														
		23-00013	01/19/23	RES 2022-206 ZETA LYTE 2800CH			B							
		2 INV	8124	1/9/23 ZETALYTE 2800CH	8,751.60	3-09-55-501-002-544		B Zeta Lyte 2800CH-Custom Envir.Tech, Inc.	R	01/19/23	01/31/23		8134	N
		Vendor Total:			8,751.60									
<b>E0024 EARLE ASPHALT COMPANY</b>														
		22-01710	12/31/22	EMERGENCY LATERAL REPAIRS										
		1 INV	156	S MAIN ST	9,683.84	2-09-55-501-002-560		B Sewer Line	R	12/31/22	01/31/23		156 S MAIN ST	N
		2 INV	427	S MAIN ST	9,834.51	2-09-55-501-002-560		B Sewer Line	R	12/31/22	01/31/23		427 S MAIN ST	N
					19,518.35									
		23-00100	01/31/23	ER LATERAL REPLACEMENT										
		1		WATER/SEWER EMERGENCY ON-CALL	11,992.10	2-09-55-501-002-560		B Sewer Line	R	01/31/23	01/31/23			N
		Vendor Total:			31,510.45									
<b>E0576 EAST WINDSOR REGIONAL SCHOOL</b>														
		23-00017	01/20/23	DEC 2022 FUEL USE										
		1	DEC 2022	FUEL USE - FIRE	312.39	2-01-31-460-001-166		B Motor Fuel - Fire Dept.	R	01/20/23	01/31/23		DEC 2022	N
		2	DEC 2022	FUEL USE - POLICE	1,754.93	2-01-31-460-001-145		B Motor Fuel - Police	R	01/20/23	01/31/23		DEC 2022	N
		3	DEC 2022	FUEL USE - 1ST AID	253.36	2-01-31-460-001-148		B Motor Fuel - Emergency Medical	R	01/20/23	01/31/23		DEC 2022	N
		4	DEC 2022	FUEL USE - GARBAGE	1,825.77	2-01-31-460-001-147		B Motor Fuel - Public Works	R	01/20/23	01/31/23		DEC 2022	N
		5	DEC 2022	FUEL USE - STREETS	1,250.72	2-01-31-460-001-147		B Motor Fuel - Public Works	R	01/20/23	01/31/23		DEC 2022	N
		6	DEC 2022	FUEL USE - WATER	98.69	2-09-55-501-001-512		B Motor Fuel	R	01/20/23	01/31/23		DEC 2022	N
		7	DEC 2022	FUEL USE CONSTRUCTION	29.68	2-01-31-460-001-151		B MOTOR FUEL-CONSTRUCTION DEPARTMENT	R	01/20/23	01/31/23		DEC 2022	N
		8	DEC 2022	FUEL FACILITY FEE	120.00	2-01-31-460-001-144		B Upgrades to Fueling Facility	R	01/20/23	01/31/23		DEC 2022	N
		9	DEC 2022	FUEL USE-SEWER	89.01	2-09-55-501-002-512		B Motor Fuel	R	01/20/23	01/31/23		DEC 2022	N
					5,734.55									
		Vendor Total:			5,734.55									





Vendor #	Name	PO #	PO Date	Description	Amount	Contract Charge	PO Type Account	Acct Type Description	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date	Invoice	1099 Excl
<b>GEETA005 GEETANJALI JAIN</b>														
		23-00018	01/20/23	4TH QTR 2022 MILEAGE REIMB										
		1		4TH QTR 2022 MILEAGE REIMB	356.56	2-01-27-330-001-045		B Mileage/Travel	R	01/20/23	01/31/23		4TH QTR 2022	N
		Vendor Total:			356.56									
<b>G1077 GEORGE S. COYNE CO., INC.</b>														
		22-00002	01/18/22	RES 2020-236 LIME HI-CALC WTP			B							
		12	INV 398347	12/29 LIME HICALC	1,691.25	2-09-55-501-001-527		B Calcium Hydroxide - Lime	R	12/02/22	01/31/23		398347	N
		Vendor Total:			1,691.25									
<b>G0175 GEORGE'S GARAGE &amp; TOWING, INC.</b>														
		23-00086	01/31/23	HEAVY DUTY TOW TO ERB'S										
		1	INV 57888	- HEAVY DUTY TOW	475.00	3-01-26-305-001-034		B Motor Vehicle Parts & Access.	R	01/31/23	01/31/23		57888	N
		Vendor Total:			475.00									
<b>G0038 GOLD TYPE BUSINESS MACHINE</b>														
		22-01711	12/31/22	E-TICKET QUARTERLY FEE										
		1		E-TICKET QUARTERLY FEE	2,014.00	2-01-25-240-001-029		B Maint. Contracts - Other	R	12/31/22	01/31/23		0000038498	N
		23-00026	01/20/23	HPD - E-TICKETS										
		1		HPD - E-TICKETS	782.80	2-01-25-240-001-029		B Maint. Contracts - Other	R	01/20/23	01/31/23		0000038837	N
		Vendor Total:			2,796.80									
<b>G0185 GRAINGER, INC.</b>														
		22-01687	12/31/22	3" BANJO VALVE PART#1MKK8										
		1		3" BANJO VALVE PART#1MKK8	171.38	2-09-55-501-002-503		B Sewer Plant Maintenance	R	12/31/22	01/31/23		9568731781	N
		Vendor Total:			171.38									
<b>H0048 HIGHTS REALTY LLC</b>														
		23-00005	01/17/23	JANUARY 2023 HPD RENT										
		1		JANUARY 2023 HPD RENT	4,808.76	3-01-26-310-001-025		B Building Rental	R	01/17/23	01/31/23		JAN 2023	N
		Vendor Total:			4,808.76									

Vendor #	Name	PO #	PO Date	Description	Contract	PO Type	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date	Invoice	1099 Excl
<b>H1100 HOME DEPOT CREDIT SERVICES</b>												
23-00040 01/20/23 DEC 2022 INVOICES												
	1 INV	2020331		- APACHE RIB/LOCK	47.29	2-09-55-501-001-503	R	01/20/23	01/31/23		2020331	N
	2	UNAPPLIED CREDIT ON ACCOUNT			38.62	2-09-55-501-001-503	R	01/20/23	01/31/23		2020331	N
	3 INV	0522286		- SOAP REFILL	6.48	2-01-26-310-001-024	R	01/20/23	01/31/23		0522286	N
	4 INV	5043203		- FLASHING CEMENT/	28.37	2-01-26-310-001-024	R	01/20/23	01/31/23		5043203	N
					43.52							
23-00053 01/24/23 JANUARY 2023												
	1 INV	9020999		-SCREW HOOKS	9.90	3-01-26-310-001-024	R	01/24/23	01/31/23		9020999	N
	2 INV	3513255		-WASHERS/SCREWS	11.04	3-01-26-315-001-131	R	01/24/23	01/31/23		3513255	N
	3 INV	2525080		-CABLE/INSULATION	128.49	3-09-55-501-002-503	R	01/24/23	01/31/23		2525080	N
	4 INV	2205046		-CREDIT FOR RETURN	18.85	3-09-55-501-002-503	R	01/24/23	01/31/23		2205046	N
	5 INV	1525195		-SHELVING/SCREWS/	28.25	3-01-25-240-001-118	R	01/24/23	01/31/23		1525195	N
					158.83							
	Vendor Total:				202.35							
<b>IACP0005 IACP</b>												
23-00038 01/20/23 ANNUAL MEMBERSHIP DUES 2023												
	1	ANNUAL MEMBERSHIP DUES 2023			50.00	3-01-25-240-001-044	R	01/20/23	01/31/23		0251417	N
	2	ANNUAL MEMBERSHIP DUES 2023			190.00	3-01-25-240-001-044	R	01/20/23	01/31/23		0251417	N
					240.00							
	Vendor Total:				240.00							
<b>I0025 INTERNATIONAL CODE COUNCIL</b>												
23-00097 01/31/23 2021 IBC&IRS NJ ED COMBO												
	1	2021 IBC&IRS NJ ED COMBO			253.00	3-01-33-195-001-033	R	01/31/23	02/01/23		1001624498	N
	2	2021 IFCG SOFT			79.00	3-01-33-195-001-033	R	01/31/23	02/01/23		1001624498	N
					332.00							
	Vendor Total:				332.00							
<b>INTER015 INTERSTATE WASTE SERVICES OF</b>												
23-00006 01/17/23 MUNICIPAL RECYCLING												
	2	MUNICIPAL RECYCLING			11,659.25	B 3-01-26-311-001-029	R	01/17/23	01/31/23		8658536	N



Vendor # Name	PO #	PO Date	Description	Contract Amount	PO Type Charge Account	Acct Type Description	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date	Invoice	1099 Excl
<b>KAPPE005 KAPPE ASSOCIATES, INC</b>												
	22-01355	10/27/22	MECHANICAL SEAL KIT FOR PUMP									
	1		MECHANICAL SEAL KIT	218.59	2-09-55-501-002-503	B Sewer Plant Maintenance	R	10/27/22	01/31/23		22-4220-J10	N
	2		DISK FILTER BACKWASH PUMP	130.41	2-09-55-501-002-503	B Sewer Plant Maintenance	R	10/27/22	01/31/23		22-4220-J10	N
				349.00								
			Vendor Total:	349.00								
<b>L0624 LAWSOFT, INC.</b>												
	23-00034	01/20/23	SOFTWARE MAINTENANCE AGREEMENT									
	1		SUPPORT-MAINTENANCE AGREEMENT	6,800.00	3-01-25-240-001-029	B Maint. Contracts - Other	R	01/20/23	01/31/23		22-0210	N
	2		SUPPORT-MAINTENANCE AGREEMENT	500.00	3-01-25-240-001-029	B Maint. Contracts - Other	R	01/20/23	01/31/23		22-0210	N
				7,300.00								
			Vendor Total:	7,300.00								
<b>M0256 MERCER CO IMPROVEMENT AUTH</b>												
	22-01707	12/31/22	DEC 2022 TIPPING									
	1		DEC 2022 TIPPING	16,993.62	2-01-32-465-001-165	B Landfill Solid Waste Disposal-MCIA	R	12/31/22	01/31/23		DEC 2022	N
	2		DEC 2022 RECYCLING TAX	443.31	2-01-43-496-001-174	B Recycling Tax	R	12/31/22	01/31/23		DEC 2022	N
				17,436.93								
			Vendor Total:	17,436.93								
<b>M0053 MES - PENNSYLVANIA</b>												
	22-01426	11/09/22	RESCUE TOOL QUOTE QT1502264									
	1		RESCUE TOOL SPREADER SERVICE	260.00	2-01-25-252-002-121	B Preventive Maintenance	R	11/09/22	02/01/23		IN1822635	N
	2		RESCUE TOOL COMBI TOOL SERVICE	130.00	2-01-25-252-002-121	B Preventive Maintenance	R	11/09/22	02/01/23		IN1822635	N
	3		RESCUE TOOL CUTTER SERVICE	130.00	2-01-25-252-002-121	B Preventive Maintenance	R	11/09/22	02/01/23		IN1822635	N
	4		RESCUE TOOL RAM TOOL SERVICE	425.00	2-01-25-252-002-121	B Preventive Maintenance	R	11/09/22	02/01/23		IN1822635	N
	5		RESCUE TOOL LOW PRESSURE 2 GAL	1,020.00	2-01-25-252-002-121	B Preventive Maintenance	R	11/09/22	02/01/23		IN1822635	N
	6		RESCUE TOOL LOW PRESSURE 1 GAL	335.00	2-01-25-252-002-121	B Preventive Maintenance	R	11/09/22	02/01/23		IN1822635	N
	7		RESCUE TOOL BATTERY CUTTER	225.00	2-01-25-252-002-121	B Preventive Maintenance	R	11/09/22	02/01/23		IN1822635	N
	8		RESCUE TOOL BATTERY SPREADER	225.00	2-01-25-252-002-121	B Preventive Maintenance	R	11/09/22	02/01/23		IN1822635	N
	9		OSC FEMALE DUST CAP	35.00	2-01-25-252-002-121	B Preventive Maintenance	R	11/09/22	02/01/23		IN1822635	N
	10		RESCUE TOOL HOSE REEL SERVICE	640.00	2-01-25-252-002-121	B Preventive Maintenance	R	11/09/22	02/01/23		IN1822635	N
	11		RESCUE TOOL FLUID DISPOSAL/	100.00	2-01-25-252-002-121	B Preventive Maintenance	R	11/09/22	02/01/23		IN1822635	N
	12		1 GALLON HURST BLUE HYD FLUID	0.00	2-01-25-252-002-121	B Preventive Maintenance	R	11/09/22	02/01/23		IN1822635	N

Vendor # Name	PO #	PO Date	Description	Contract	PO Type	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date	Invoice	1099 Excl
<b>M0053 MES - PENNSYLVANIA</b>											
			Continued								
	22-01426	11/09/22	RESCUE TOOL QUOTE QT1502264	Continued							
	13		MOC NUT ITEM 179R031	48.00	2-01-25-252-002-121	R	11/09/22	02/01/23		IN1822635	N
	14		ELEMENT AIR CLEANER	3.90	2-01-25-252-002-121	R	11/09/22	02/01/23		IN1822635	N
	15		SPARK PLUG ITEM 98056-55777	3.00	2-01-25-252-002-121	R	11/09/22	02/01/23		IN1822635	N
	16		RESCUE TOOL BATTERY RAM SERVIC	155.00	2-01-25-252-002-121	R	11/09/22	02/01/23		IN1822635	N
	17		RESCUE TOOL BATTERY COMBI SVC	225.00	2-01-25-252-002-121	R	11/09/22	02/01/23		IN1822635	N
	18		RESCUE TOOL BATTERY STRONG ARM	225.00	2-01-25-252-002-121	R	11/09/22	02/01/23		IN1822635	N
	19		SCREW	6.00	2-01-25-252-002-121	R	01/30/23	02/01/23		IN1822635	N
				<u>4,190.90</u>							
			Vendor Total:	4,190.90							
<b>M0536 MGL PRINTING SOLUTIONS</b>											
	22-01649	12/27/22	PO VOUCHERS AND PAYCHECKS								
	1		PO VOUCHERS	637.50	2-01-20-125-001-023	R	12/27/22	01/31/23		195068	N
	2		PO VOUCHERS	637.50	2-09-55-501-002-509	R	12/27/22	01/31/23		195068	N
	3		PO VOUCHERS SHIPPING	36.34	2-09-55-501-002-509	R	12/27/22	01/31/23		195068	N
	4		PO VOUCHERS SHIPPING	36.33	2-01-20-125-001-023	R	12/27/22	01/31/23		195068	N
	5		PAYROLL CHECKS	378.00	2-01-20-125-001-023	R	12/27/22	01/31/23		195068	N
	6		PAYROLL CHECKS SHIPPING	36.33	2-01-20-125-001-023	R	12/27/22	01/31/23		195068	N
				<u>1,762.00</u>							
			Vendor Total:	1,762.00							
<b>MILLE005 MILLER ENERGY CO</b>											
	22-00654	06/09/22	OXYGEN SENSING SYSTEM								
	1		QUOTATION SQ1031964	8,131.50	2-09-55-501-002-503	R	06/09/22	02/01/23		SINV1032960	N
			Vendor Total:	8,131.50							
<b>M0127 MONMOUTH COUNTY</b>											
	22-01714	12/31/22	DEC 2022 ROOSEVELT TIPPING								
	1		DEC 2022 ROOSEVELT TIPPING	1,942.26	2-01-43-513-001-171	R	12/31/22	01/31/23		DEC 2022	N
			Vendor Total:	1,942.26							

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
<b>M1125 MOUNT'S GARAGE</b>												
	22-01659	12/30/22	ADDITIONAL SERVICE SMALL VEH									
	1		ADDITIONAL SERVICE SMALL	371.66	2-01-26-290-001-034	B Motor Vehicle Parts & Access.	R	12/30/22	01/31/23		12354	N
	2		ADDITIONAL SERVICE SMALL	70.71	2-01-26-290-001-034	B Motor Vehicle Parts & Access.	R	01/31/23	01/31/23		12356	N
				442.37								
			Vendor Total:	442.37								
<b>N0169 NEW JERSEY WATER ASSOCIATION</b>												
	23-00051	01/24/23	2023 SYSTEM MEMBERSHIP									
	1		2023 SYSTEM MEMBERSHIP	520.00	3-09-55-501-001-519	B Professional Assoc. Dues	R	01/24/23	01/31/23		1869	N
			Vendor Total:	520.00								
<b>N1116 NJPO</b>												
	23-00042	01/23/23	Single Board Membership									
	1		Single Board Membership	325.00	3-01-21-180-001-044	B PROFESSIONAL ASSOCIATION DUES	R	01/23/23	01/31/23		082022518	N
			Vendor Total:	325.00								
<b>N0170 NORCIA CORP.</b>												
	23-00090	01/31/23	LIMIT SWITCH REPAIR TRUCK 10									
	1		LIMIT SWITCH REPAIR TRUCK 10	445.76	3-01-26-315-001-132	B Vehicle Maint. - Public Works	R	01/31/23	01/31/23		82621	N
			Vendor Total:	445.76								
<b>00050 ONE CALL CONCEPT INC</b>												
	22-01690	12/31/22	DEC 2022 MARK OUT REQUESTS									
	1		INV 2125087	23.95	2-09-55-501-001-535	B Hydrants and Line Repair	R	12/31/22	01/31/23		2125087	N
			Vendor Total:	23.95								
<b>PANTA005 PANTANO NURSERY</b>												
	22-01613	12/22/22	ASPHALT SAW AND BLADE									
	1		HUSQVARNA FS400LV PUSH FLOOR	1,436.50	2-01-26-290-001-050	B DPW Work Equipment	R	12/22/22	01/31/23		375	N
	2			1,436.50	2-09-55-501-001-535	B Hydrants and Line Repair	R	12/22/22	01/31/23		375	N
	3		HUSQVARNA 542751066 20" BLADE	307.50	2-01-26-290-001-050	B DPW Work Equipment	R	12/22/22	01/31/23		375	N





Vendor #	Name	PO #	PO Date	Description	Amount	Contract Charge	PO Type Account	Acct Type Description	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date	Invoice	1099 Excl
<b>P0044 PSE&amp;G</b>														
23-00046	01/24/23	ENERGY BILLS DATED 1/19/23												
1	75 980 463 01	MERCER ST	8.62	3-01-31-446-001-070	B Gas Heat - Borough Hall	R	01/24/23	01/31/23		603807344367	N			
2	66 759 467 06	N MAIN ST	71.24	3-01-31-446-001-143	B Gas/Heat - Fire House	R	01/24/23	01/31/23		603507500253	N			
3	75 235 176 09	MERCER ST	315.22	2-01-31-446-001-070	B Gas Heat - Borough Hall	R	01/24/23	01/31/23		601308106394	N			
4	65 039 876 09	1ST AVE WATER	19.81	3-09-55-501-001-505	B Gas Service	R	01/24/23	01/31/23		606004271344	N			
5	66 878 908 08	BANK ST	286.86	3-01-31-446-001-070	B Gas Heat - Borough Hall	R	01/24/23	01/31/23		606004271344	N			
6	74 199 082 06	232 MERCER ST	38.83	3-01-31-446-001-070	B Gas Heat - Borough Hall	R	01/24/23	01/31/23		604807015743	N			
			740.58											
Vendor Total:			740.58											
<b>P0032 PWANJ EDUCATION</b>														
23-00095	01/31/23	2023 MEMBERSHIP												
1	2023 MEMBERSHIP FOR KENNETH	75.00	3-01-26-290-001-044	B Professional Assoc. Dues	R	01/31/23	02/01/23			LEWIS	N			
Vendor Total:			75.00											
<b>REDAR005 RED ARROW TECHNOLOGIES, LLC</b>														
23-00001	01/17/23	VOIP SVCS AUG 22 POLICE/AWWTP												
1	VOIP SVCS AUG 22 POLICE	398.47	2-01-31-440-001-085	B Telephone-Block Line Systems, LLC LSI	R	01/17/23	02/01/23			11023	N			
2	VOIP SVCS AUG 22 AWWTP	178.13	2-01-31-440-001-085	B Telephone-Block Line Systems, LLC LSI	R	01/17/23	02/01/23			11023	N			
		576.60												
23-00002	01/17/23	VOIP SVCS JAN 23 AWWTP/POLICE												
1	VOIP SVCS JAN 23 POLICE	398.55	3-01-31-440-001-085	B Telephone-Block Line Systems, LLC LSI	R	01/17/23	02/01/23			11986	N			
2	VOIP SVCS JAN 23 AWWTP	178.18	3-01-31-440-001-085	B Telephone-Block Line Systems, LLC LSI	R	01/17/23	02/01/23			11986	N			
		576.73												
23-00004	01/17/23	VOIP SVCS JAN 23 HFD & MAIN												
1	VOIP SVCS JAN 23 HFD	120.15	3-01-31-440-001-085	B Telephone-Block Line Systems, LLC LSI	R	01/17/23	02/01/23			11963	N			
2	VOIP SVCS JAN 23 MAIN	491.75	3-01-31-440-001-085	B Telephone-Block Line Systems, LLC LSI	R	01/17/23	02/01/23			11963	N			
		611.90												
23-00063	01/26/23	MONTHLY SUPPORT JAN 2023												
1	TECH SUPPORT & SERVICES	1,749.63	3-01-20-140-001-094	B Computer Service & Support	R	01/26/23	02/01/23			11848	N			
2	INTERNET & WEB	1,384.50	3-01-20-140-001-060	B Internet Services and Web Services	R	01/26/23	02/01/23			11848	N			
3	TECH SUPPORT/INTERNET/WEB	653.89	3-09-55-501-002-530	B Computer Software/Maint/Equip	R	01/26/23	02/01/23			11848	N			

Vendor # Name	PO #	PO Date	Description	Contract Amount	PO Type Charge Account	Acct Type Description	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date	Invoice	1099 Excl
<b>REDAR005 RED ARROW TECHNOLOGIES, LLC Continued</b>												
	23-00063	01/26/23	MONTHLY SUPPORT JAN 2023	Continued								
	4		TECH SUPPORT/INTERNET/WEB	287.95	3-09-55-501-001-530	B Computer Software/Maint/Equip	R	01/26/23	02/01/23		11848	N
				4,075.97								
	23-00064	01/26/23	MONTHLY SUPPORT FEB 2023									
	1		TECH SUPPORT & SERVICES	1,749.63	3-01-20-140-001-094	B Computer Service & Support	R	01/26/23	02/01/23		12036	N
	2		INTERNET & WEB	1,408.50	3-01-20-140-001-060	B Internet Services and Web Services	R	01/26/23	02/01/23		12036	N
	3		TECH SUPPORT/INTERNET/WEB	653.89	3-09-55-501-002-530	B Computer Software/Maint/Equip	R	01/26/23	02/01/23		12036	N
	4		TELEPHONE SUPPORT	700.00	3-01-31-440-001-085	B Telephone-Block Line Systems, LLC LSI	R	01/26/23	02/01/23		12036	N
	5		TECH SUPPORT/INTERNET/WEB	287.95	3-09-55-501-001-530	B Computer Software/Maint/Equip	R	01/26/23	02/01/23		12036	N
				4,799.97								
			Vendor Total:	10,641.17								
<b>R0077 ROBERTS ENGINEERING GRP LLC</b>												
	22-01704	12/31/22	Billing through 12/31/2022									
	1		#6754; Attend PB Mtg 12/12/22	240.00	2-01-21-180-001-106	B Planning Board Engineer-General	R	12/31/22	02/01/23		6754	N
	2		#6760; Review LOMR Submission	455.00	3PRCLLC	P Site Plan Application #2020-01	R	12/31/22	02/01/23		6760	N
	3		#6761; Srvcs thru 12/31/22	1,052.50	2021-02	P Amended Site Plan	R	12/31/22	02/01/23		6761	N
	4		#6762; Srvcs thru 12/31/22	177.50	2022-05	P Use Variance - 2 Family Home	R	12/31/22	02/01/23		6762	N
				1,925.00								
	23-00072	01/27/23	BILLING THROUGH JAN 2023									
	1		COUNCIL MEETINGS INV 6802	320.00	3-01-20-165-001-104	B Attendance at Meetings (B)	R	01/27/23	02/01/23		6802	N
	2		MISC REQUESTS INV 6803	106.25	3-01-20-165-001-028	B General Engineering	R	01/27/23	02/01/23		6803	N
	3		STORM WATER PERMIT INV 6804	600.00	3-01-20-165-001-106	B Misc. Road & Drainage Issues(B	R	01/27/23	02/01/23		6804	N
	4		MISC ROADS INV 6805	1,671.25	3-01-20-165-001-028	B General Engineering	R	01/27/23	02/01/23		6805	N
	5		GENERAL SEWERS INV 6806	1,831.25	3-09-55-501-002-508	B Engineer	R	01/27/23	02/01/23		6806	N
	6		GENERAL WATER INV 6807	875.00	3-09-55-501-001-508	B Engineer	R	01/27/23	02/01/23		6807	N
	7		CHEMICAL & SLUDGE REMOVAL	541.25	3-09-55-501-002-508	B Engineer	R	01/27/23	02/01/23		6808	N
	8		WATER TANKS INV 6809	915.00	C-08-55-963-000-544	B DESIGN COSTS WATER TANKS/STANDPIPE	R	01/27/23	02/01/23		6809	N
	9		AWWTP ACTIVATED SLUDGE IMPROVE	2,680.00	3-09-55-501-002-508	B Engineer	R	01/27/23	02/01/23		6811	N
	10		SANITARY COLLECTION SYSTEM	1,440.00	3-09-55-501-002-508	B Engineer	R	01/27/23	02/01/23		6812	N
	11		IMPROVEMENTS TO RAILROAD AND	682.50	C-04-55-894-002-447	B RAILROAD AVE & DEY STREET SOFT COSTS	R	01/27/23	02/01/23		6814	N
	12		IMPROVEMENTS TO HAUSSER AVE,	967.50	C-04-55-894-002-447	B RAILROAD AVE & DEY STREET SOFT COSTS	R	01/27/23	02/01/23		6815	N
	13		STOCKTON STREET CURB &	760.00	C-04-55-880-001-447	B RETAINING WALL 17-9,STOCKTON SIDEW SEC20	R	01/27/23	02/01/23		6816	N

Vendor # Name	PO #	PO Date	Description	Contract	PO Type	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date	Invoice	1099 Excl
<b>R0077 ROBERTS ENGINEERING GRP LLC Continued</b>											
	23-00072	01/27/23	BILLING THROUGH JAN 2023	Continued							
	14		IMPROVEMENTS TO ORCHARD AVE,	637.50	C-08-55-969-001-544	B IMP TO ORCHARD, CLOVER & S. MAIN SEC 20	R	01/27/23	02/01/23	6818	N
				14,027.50							
<b>23-00073 01/27/23 WATER TREATMENT PLANT GENERATR</b>											
	1		WATER TREATMENT PLANT GENERATR	5,979.50	C-08-55-965-000-540	B FEMA FLOOD MIT GENERATOR ENGINEER 20-17	R	01/27/23	02/01/23	6810	N
<b>23-00074 01/27/23 EW STOCKTON CURB/SIDEWALK IMPR</b>											
	1		EW STOCKTON CURB/SIDEWALK IMPR	685.00	2-01-43-519-001-199	B STOCKTON ST. IMPROVEMENTS-EAST WINDSOR	R	01/27/23	02/01/23	6817	N
			Vendor Total:	22,617.00							
<b>R0039 RR DONNELLEY</b>											
	22-01388	11/02/22	SAFETY PAPER								
	1		LEGAL SAFETY PAPER	99.00	2-01-27-330-001-036	B Office Supplies- Maint.	R	11/02/22	02/01/23	HIGHTSTOWN	N
	2		LETTER SAFETY PAPER	99.00	2-01-27-330-001-036	B Office Supplies- Maint.	R	11/02/22	02/01/23	HIGHTSTOWN	N
				198.00							
			Vendor Total:	198.00							
<b>S0002 SAFETY-KLEEN SYSTEMS, INC</b>											
	23-00025	01/20/23	6 MONTH SERVICE RECOVERY FEE								
	1		6 MOS SVC SAFETY KLEEN SOLVENT	213.90	3-09-55-501-002-518	B Service Contracts - AWWTP	R	01/20/23	02/01/23	90711675	N
	2		RECOVERY FEE	36.36	3-09-55-501-002-518	B Service Contracts - AWWTP	R	01/20/23	02/01/23	90711675	N
	3		RECOVERY FEE	16.04	3-09-55-501-002-518	B Service Contracts - AWWTP	R	01/20/23	02/01/23	90711675	N
				266.30							
			Vendor Total:	266.30							
<b>S0061 SEA BOX</b>											
	23-00092	01/31/23	JAN 2023 CONTAINER RENTAL								
	1		INV SI168672 CONTAINER RENTAL	75.00	3-01-26-310-001-025	B Building Rental	R	01/31/23	01/31/23	SI168672	N
			Vendor Total:	75.00							

Vendor # Name	PO #	PO Date	Description	Contract	PO Type	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date	Invoice	1099 Excl
<b>S1096 STAPLES BUSINESS ADVANTAGE</b>											
	23-00037	01/20/23	HPD OFFICE SUPPLIES JAN 2023								
	1		DURACELL COPPERTOP AAA BATTERY	19.29	3-01-25-240-001-036	R	01/20/23	02/01/23		3528383206	N
	2		KENSINGTON PRO WIRELESS	131.98	3-01-25-240-001-036	R	01/20/23	02/01/23		3528383206	N
	3		AVERY 3 RING BINDER 1 1/2"	10.30	3-01-25-240-001-036	R	01/20/23	02/01/23		3528383206	N
	4		AVERY 3 RING BINDER 1" WHITE	7.94	3-01-25-240-001-036	R	01/20/23	02/01/23		3528383206	N
	5		2023 DESKTOP PAD CALENDAR	26.95	3-01-25-240-001-036	R	01/20/23	02/01/23		3528383206	N
	6		WESTCOTT 9" LETTER OPENER	5.35	3-01-25-240-001-036	R	01/20/23	02/01/23		3528383206	N
	7		STAPLES 9" LETTER OPENER	1.70	3-01-25-240-001-036	R	01/20/23	02/01/23		3528383206	N
	8		VERBATIM SLEEVE FOR CD/DVD	15.80	3-01-25-240-001-036	R	01/20/23	02/01/23		3528383206	N
	9		SHARPIE RETRACTABLE PERMANENT	22.81	3-01-25-240-001-036	R	01/20/23	02/01/23		3528383206	N
	10		SHARPIE ACCENT RETRACTABLE	12.24	3-01-25-240-001-036	R	01/20/23	02/01/23		3528383206	N
	11		STEAPLES COPY PAPER	114.86	3-01-25-240-001-036	R	01/20/23	02/01/23		3528383206	N
				<u>369.22</u>							
			Vendor Total:	369.22							
<b>STATE005 STATEWIDE INSURANCE FUND</b>											
	23-00068	01/26/23	INSTALLMENT 1/4 WC & LIABILITY								
	1		CURRENT FUND GENERAL LIABILITY	12,758.12	3-01-23-210-003-112	R	01/26/23	02/01/23		2023A33	N
	2		CURRENT FUND WORKER'S COMP 1/4	24,542.17	3-01-23-210-003-113	R	01/26/23	02/01/23		2023A33	N
	3		WORKER'S COMP 1/4 WTP	8,378.71	3-09-55-501-001-515	R	01/26/23	02/01/23		2023A33	N
	4		WORKER'S COMP 1/4 AWTP	33,514.83	3-09-55-501-002-515	R	01/26/23	02/01/23		2023A33	N
				<u>79,193.83</u>							
			Vendor Total:	79,193.83							
<b>R0537 STITCHES N INK</b>											
	22-01586	12/13/22	WORK COATS FOR STEVE WHITE								
	1		WORK COAT (LIGHT) FOR STEVE	64.00	2-09-55-501-002-507	R	12/13/22	02/01/23		19461	N
	2		HEAVY WORK COAT CARHART FOR	89.99	2-09-55-501-002-507	R	12/13/22	02/01/23		19461	N
				<u>153.99</u>							
			Vendor Total:	153.99							

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
<b>TMOBI005 T-MOBILE</b>												
	23-00075	01/27/23	STOCKTON PARKING LOT CAMERAS									
	1		STOCKTON PARKING LOT CAMERAS	61.60	3-01-33-195-002-029	B Computer Software/Maint/Equip	R	01/27/23	02/01/23		983751657	N
			Vendor Total:	61.60								
<b>TOWNS010 TOWNSHIP OF MANALAPAN</b>												
	23-00067	01/26/23	DECEMBER SHELTER REPORT 2022									
	1		DECEMBER SHELTER REPORT 2022	250.00	3-01-43-512-001-161	B Animal Control Services	R	01/26/23	02/01/23		2022-12-HB	N
			Vendor Total:	250.00								
<b>T0061 TOWNSHIP OF ROBBINSVILLE DPW</b>												
	23-00028	01/20/23	HPD VEHICLE MAINTENANCE									
	1		HPD VEHICLE MAINTENANCE	724.01	2-01-43-515-001-170	B Mechanic Services	R	01/20/23	02/01/23		5435	N
	2		HPD VEHICLE MAINTENANCE	183.12	2-01-43-515-001-170	B Mechanic Services	R	01/20/23	02/01/23		5485	N
				907.13								
			Vendor Total:	907.13								
<b>T1067 TREASURER, STATE OF NJ</b>												
	23-00093	01/31/23	WATER ALLOCATION PERMIT									
	1		WATER ALLOCATION PERMIT	8,390.00	3-09-55-501-001-520	B Permits & Fees	R	01/31/23	01/31/23		222411400	N
			Vendor Total:	8,390.00								
<b>U0013 USA BLUE BOOK</b>												
	23-00027	01/20/23	QTE 224521 VARIOUS ITEMS AWWTP									
	1		SODIUM SULFITE, ACS GRADE 100G	20.15	3-09-55-501-002-506	B Lab. Equipment & Supplies	R	01/20/23	02/01/23		225076	N
	2		USE BLUEBOOK DISPENSER	81.75	3-09-55-501-002-506	B Lab. Equipment & Supplies	R	01/20/23	02/01/23		225076	N
	3		NALGENE IMHOFF SETTLING CONE	129.00	3-09-55-501-002-506	B Lab. Equipment & Supplies	R	01/20/23	02/01/23		225076	N
	4		DRIERITE, ANHYDROUS CASO4	327.40	3-09-55-501-002-506	B Lab. Equipment & Supplies	R	01/20/23	02/01/23		225076	N
	5		USA BLUEBOOK PH4.00 BUFFER RED	141.09	3-09-55-501-002-506	B Lab. Equipment & Supplies	R	01/20/23	02/01/23		225076	N
	6		USA BLUEBOOK PH7.00 BUFFER	141.09	3-09-55-501-002-506	B Lab. Equipment & Supplies	R	01/20/23	02/01/23		225076	N
	7		USA BLUEBOOK PH10.00, BLUE,20L	141.09	3-09-55-501-002-506	B Lab. Equipment & Supplies	R	01/20/23	02/01/23		225076	N

Vendor #	Name	PO #	PO Date	Description	Contract	PO Type	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date	Invoice	1099 Excl
U0013	USA BLUE BOOK			Continued								
	23-00027	01/20/23	QTE 224521	VARIOUS ITEMS AWWTP	Continued							
	8			FREIGHT	94.64	3-09-55-501-002-506	R	01/20/23	02/01/23		225076	N
					1,076.21							
	Vendor Total:				1,076.21							
V0007	VALLEY PHYSICIAN SERVICES, PC											
	23-00016	01/20/23	4th QUARTER 2022	DOT TESTING								
	1			4th QUARTER 2022 DOT TESTING	102.00	2-01-26-290-001-093	R	01/20/23	02/01/23		661328c5622	N
	Vendor Total:				102.00							
V0019	VERIZON											
	23-00043	01/23/23	ACCT 1-69	1-15-23								
	1			ACCT 1-69 1-15-23	243.96	3-09-55-501-003-545	R	01/23/23	02/01/23		250717367000169	N
	Vendor Total:				243.96							
VERIZ015	VERIZON FIOS											
	23-00011	01/19/23	155 504 140 0001 53	1/9/23								
	1				159.99	3-01-25-240-001-060	R	01/19/23	02/01/23		JAN 2023	N
	Vendor Total:				159.99							
V0022	VERIZON WIRELESS											
	23-00015	01/20/23	INV 9924796355	1/8/23								
	1			INV 9924796355 1/8/23	170.59	3-01-31-440-001-079	R	01/20/23	02/01/23		9924796355	N
	Vendor Total:				170.59							
V0021	VISUAL COMPUTER SOLUTIONS, INC											
	23-00036	01/20/23	SAAS RENEWAL SERVICES	2023								
	1			SAAS RENEWAL SERVICES 2023	1,915.01	3-01-25-240-001-029	R	01/20/23	02/01/23		18751	N
	Vendor Total:				1,915.01							

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<b>W0002 W.B. MASON CO., INC.</b>												
	22-01675	12/31/22	OFFICE SUPPLIES DEC 2022									
	1		CENTRAL OFFICE SUPPLIES	728.09	2-01-20-125-001-036	B Office Supplies	R	12/31/22	02/01/23		234993111	N
			Vendor Total:	728.09								
<b>W0071 WASTE MGMT OF NEW JERSEY, INC.</b>												
	22-00178	02/17/22	RES 2022-47 SLUDGE EXTENSION			B						
	11 INV	3104798-0502-3	1/3/23	3,448.76	2-09-55-501-002-538	B Sludge Removal/Disposal-Waste Management	R	09/14/22	02/01/23		3104798-0502-3	N
	22-00180	02/17/22	DUMPSTER RES 2020-136T07/31/22			B						
	57 INV	3105532-0502-5	1/3/23	545.90	2-01-26-305-001-029	B Contract-Dumpsters	R	09/15/22	02/01/23		3105532-0502-5	N
	58 INV	3105532-0502-5	1/3/23	363.59	2-01-26-305-001-029	B Contract-Dumpsters	R	12/31/22	02/01/23		3105532-0502-5	N
	59 INV	3105533-0502-3	1/3/23	1,455.73	2-01-26-305-001-029	B Contract-Dumpsters	R	12/31/22	02/01/23		3105533-0502-3	N
	60 INV	3105533-0502-3	1/3/23	597.40	2-01-26-305-001-029	B Contract-Dumpsters	R	12/31/22	02/01/23		3105533-0502-3	N
	61 INV	3105534-0502-1	1/3/23	272.65	2-01-26-305-001-029	B Contract-Dumpsters	R	12/31/22	02/01/23		3105534-0502-1	N
				<u>3,235.27</u>								
			Vendor Total:	6,684.03								
<b>S0245 WEIGHTS AND MEASURES FUNDS</b>												
	23-00039	01/20/23	TUNING FORK CERTIFICATIONS									
	1		TUNING FORK CERTIFICATIONS	220.00	3-01-25-240-001-116	B Traffic Bureau	R	01/20/23	02/01/23		1/19/23	N
			Vendor Total:	220.00								
<b>WIREL005 WIRELESS ELECTRONICS, INC.</b>												
	23-00023	01/20/23	SERVICE CONTRACT - JAN 2023									
	1		SERVICE CONTRACT - JAN 2023	255.00	3-01-25-240-001-029	B Maint. Contracts - Other	R	01/20/23	02/01/23		M62240	N
			Vendor Total:	255.00								
<b>Total Purchase Orders: 88 Total P.O. Line Items: 214 Total List Amount: 283,209.42 Total Void Amount: 0.00</b>												

Totals by Year-Fund								
Fund Description	Fund	Budget Rcvd	Budget Held	Budget Total	Revenue Total	G/L Total	Project Total	Total
CURRENT FUND	2-01	47,626.72	0.00	47,626.72	0.00	0.00	0.00	47,626.72
	2-09	50,161.86	0.00	50,161.86	0.00	0.00	0.00	50,161.86
	Year Total:	97,788.58	0.00	97,788.58	0.00	0.00	0.00	97,788.58
CURRENT FUND	3-01	98,139.43	0.00	98,139.43	0.00	0.00	0.00	98,139.43
	3-09	74,119.91	0.00	74,119.91	0.00	0.00	0.00	74,119.91
	3-21	0.00	0.00	0.00	0.00	0.00	3,219.50	3,219.50
	Year Total:	172,259.34	0.00	172,259.34	0.00	0.00	3,219.50	175,478.84
GENERAL CAPITAL	C-04	2,410.00	0.00	2,410.00	0.00	0.00	0.00	2,410.00
WATER/SEWER CAPITAL	C-08	7,532.00	0.00	7,532.00	0.00	0.00	0.00	7,532.00
	Year Total:	9,942.00	0.00	9,942.00	0.00	0.00	0.00	9,942.00
Total of All Funds:		279,989.92	0.00	279,989.92	0.00	0.00	3,219.50	283,209.42



Project Description	Project No.	Rcvd Total	Held Total	Project Total
Senior Living Facility	2018-04	297.00	0.00	297.00
Amended Site Plan	2021-02	1,052.50	0.00	1,052.50
Use Variance - 2 Family Home	2022-05	1,415.00	0.00	1,415.00
Site Plan Application #2020-01	3PRCLLC	455.00	0.00	455.00
Total of All Projects:		<u>3,219.50</u>	<u>0.00</u>	<u>3,219.50</u>

# Resolution 2023-42

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

**GOVERNING BODY CERTIFICATION OF COMPLIANCE WITH THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S "ENFORCEMENT GUIDANCE ON THE CONSIDERATION OF ARREST AND CONVICTION RECORDS IN EMPLOYMENT DECISIONS UNDER TITLE VII OF THE CIVIL RIGHTS ACT OF 1964"**

**WHEREAS**, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit's hiring practices comply with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

**WHEREAS**, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit's hiring practices as they pertain to the consideration of an individual's criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

**NOW, THEREFORE BE IT RESOLVED**, That the Council of the Borough of Hightstown, hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit's hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

## **CERTIFICATION**

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

---

Margaret Riggio  
Borough Clerk

**GOVERNING BODY CERTIFICATION PURSUANT TO P.L. 2017, C.183 OF COMPLIANCE WITH THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S "Enforcement Guidance In the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964"**

**GROUP AFFIDAVIT FORM FOR MUNICIPALITIES AND COUNTIES**

STATE OF NEW JERSEY  
COUNTY OF MERCER

We, members of the governing body of the Borough of Hightstown being duly sworn according to law, upon our oath depose and say:

1. We are duly elected (or appointed) members of the *Borough Council* of the *Borough of Hightstown* in the county of Mercer;
2. Pursuant to P.L. 2017, c.183, we have familiarized ourselves with the contents of the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012);
3. We are familiar with the local unit's hiring practices as they pertain to the consideration of an individual's criminal history;
4. We certify that the local unit's hiring practices comply with the above-referenced enforcement guidance.

\_\_\_\_\_  
Susan Bluth, Mayor

\_\_\_\_\_  
Joseph Cicalese

\_\_\_\_\_  
Cristina Fowler

\_\_\_\_\_  
Todd Frantz

\_\_\_\_\_  
Jeet Gulati

\_\_\_\_\_  
Joshua Jackson

\_\_\_\_\_  
Frederick Montferrat

\_\_\_\_\_

Sworn to and subscribed before me this

\_\_\_\_\_ day of \_\_\_\_\_

Notary Public of New Jersey

\_\_\_\_\_

-----  
The Municipal Clerk (or Clerk of the Board of Chosen Freeholders as the case may be) shall set forth the reason for the absence of signature of any members of the governing body.

IMPORTANT: This certificate must be executed before a municipality or county can submit its approved budget to the Division of Local Government Services. The executed certificate and the adopted resolution must be kept on file and available for inspection.

# Resolution 2023-43

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

## **RESOLUTION MAKING AND CONFIRMING APPOINTMENT FOR THE BOARD OF HEALTH**

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

### **Board of Health**

Brenda Seals (Alt. #1)

2 yrs.

December 31, 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 February 6, 2023.

---

Margaret Riggio  
Borough Clerk

# Resolution 2023-44

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

## **AUTHORIZING MEMBERSHIP DRIVE BANNERS FOR HIGHTSTOWN ENGINE COMPANY NO. 1 BE PLACED AT APPROVED LOCATIONS THROUGHOUT THE BOROUGH**

**WHEREAS**, Hightstown Engine Company No. 1 has requested the ability to place membership drive signs throughout the Borough; and

**WHEREAS**, Borough Council fully support the efforts of Hightstown Engine Company No. 1 and all of its volunteers; and

**WHEREAS**, the following conditions apply to the placement of the membership banners:

1. Hightstown Engine Company No. 1 must receive approval of the location of the banners from the Borough Administrator and the Borough Construction Official.
2. Hightstown Engine Company No. 1 must receive approval from the Borough Construction Official to ensure the safety and installation of the banners.
3. The banners cannot remain in one location for longer than 60 days.
4. No more than 4 banners placed at any given time.
5. All banners must be removed within 6 months.

**NOW THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Hightstown that the placement of membership drive banners for Hightstown Engine Company No. 1 is approved as detailed herein.

**BE IT FURTHER RESOLVED** that a copy of this Resolution be sent to:

1. Donald Derr, Chief Hightstown Engine Company No. 1
2. Dimitri Musing, Borough Administrator
3. George Chin, Construction Official

### **CERTIFICATION**

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

---

Margaret Riggio  
Borough Clerk

# Resolution 2023-45

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

## **REAPPOINTING FRANK GENDRON AS POLICE CHIEF AND AUTHORIZING THE EXECUTION OF THE ASSOCIATED AGREEMENT**

**WHEREAS**, Section 2-19.4 of the Revised General Ordinances of the Borough of Hightstown, provides for the appointment of a Police Chief to serve at the pleasure of the Mayor and Council; and

**WHEREAS**, Frank Gendron was appointed as Police Chief pursuant to resolution 2016-99 on May 2, 2016 with said agreement being effective April 18, 2016 through December 31, 2019; and

**WHEREAS**, Frank Gendron was reappointed as Police Chief pursuant to resolution 2020-55 on February 18, 2022 for a period of four years from January 1, 2020 to December 31, 2023; and

**WHEREAS**, it is the desire of Mayor and Council to reappoint Frank Gendron as Police Chief for a period of three years from January 1, 2024 – December 31, 2026; and

**WHEREAS**, specific terms and conditions of employment for the Police Chief have been set forth in the attached proposed written Employment Agreement.

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Borough Council reappoint Frank Gendron to continue to serve as the Police Chief for the Borough of Hightstown, subject to the provisions specified in the attached employment agreement.

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

### **CERTIFICATION**

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

---

Margaret Riggio  
Borough Clerk

EMPLOYMENT AGREEMENT BETWEEN THE BOROUGH OF  
HIGHTSTOWN AND FRANK GENDRON TO SERVE AS CHIEF OF  
POLICE

**THIS AGREEMENT**, entered into on this 6th day of February, 2023 , effective January 1, 2024, by and between the Borough of Hightstown, in the County of Mercer, New Jersey (hereinafter referred to as the Borough), and Frank Gendron, (hereinafter referred to as the Chief of Police), hereby establishes the following terms and conditions of employment for the position of Chief of Police. This agreement represents certain terms and conditions of employment for the Chief of Police. The Chief is also subject to the Borough’s personnel manual in effect at the time of the execution of this Agreement (“Personnel Manual”) to the extent that the provisions contained therein are not modified by this Agreement.

## **ARTICLE I**

### **RESPONSIBILITIES OF THE CHIEF OF POLICE**

Pursuant to state law, the Ordinances of the Borough and the regulations and policies established by the appropriate authority, the responsibilities of the appointed Chief of Police shall include the responsibility to:

- a) Conduct and manage the day-to-day operations of the Police Department:
- b) Administer and enforce rules, regulations and special emergency directives regarding the disposition and discipline of the police force, its officers, and personnel:
- c) Have, exercise, and discharge the functions, powers and duties of the police force:
- d) Delegate such of his authority as he may deem necessary for the efficient operation of the force to be exercised under his direction and supervision:
- e) Prescribe the duties and assignments of all subordinates and other police department personnel: and
- f) Report at least monthly at a regular meeting of the Borough, or by any such other forms as the Borough shall require, as to the operation of the police force during the preceding month.



**ARTICLE II**  
**WORK WEEK AND HOLIDAYS**

1. The Chief of Police shall spend sufficient time at his job to ensure the smooth and responsible operation of the Police Department over which he has supervisory control. The Chief of Police shall work at least forty (40) hours per week and shall not be eligible for overtime.
2. The Chief of Police shall attend, at a minimum, four (4) Borough Council meetings per year, at which he will give the Governing Body an update regarding the Police Department and its activities.
3. The Chief of Police shall be entitled to utilize four (4) personal days per calendar year as provided in the Personnel Manual.
4. The Chief shall receive twelve (12) holidays off per calendar year as spelled out in the Personnel Manual.

**ARTICLE III**  
**SICK LEAVE**

1. Sick leave is hereby defined to mean an absence by the Chief of Police due to illness, accident, injury, disability, or exposure to contagious disease, or the necessity to attend to and care for a seriously ill member of his immediate family.
2. In the event the Chief of Police requires sick leave due to any of the above-stated reasons, he shall provide written notice to the Borough Administrator regarding the use of such leave.
3. The term immediate family for the purpose of this Article shall include the following: a) spouse; b) parent; c) step-parent; d) child; e) foster child; and f) any other relative residing in the Chief of Police's household.
4. Sick leave shall accrue for the Chief of Police at the rate of eight (8) hours per month of service, and shall accumulate from year to year, with a maximum accumulation of one thousand (1000) hours, to be used as set forth herein.
5. The Chief of Police, at his option, may be paid for a maximum of one hundred 100 hours

from his sick leave bank each year at the equivalent of his base salary hourly rate. Payment shall be made no later than January 30<sup>th</sup> of the succeeding year.

6. Upon retirement, the Chief of Police may exchange sick days for a cash payment at his then-prevailing base salary rate up to a total value of \$15,000. The Borough shall make such payment no later than thirty (30) days following the Chief of Police' official retirement date. The Chief of Police will notify the Borough 6 months in advance of any retirement date which would occur prior to December 31, 2026.

**ARTICLE IV**  
**INJURY LEAVE**

1. In the event the Chief of Police becomes disabled by reason of work-related injury or illness and is unable to perform his duties, the Chief of Police shall be entitled to full pay for a period of one year commencing with the date of such work-related injury or illness, or until such time as he has been accepted for retirement by the Policemen's Pension System. If the Chief of Police exercises this right, he shall surrender to and deliver any workman's compensation salary payments to the Borough Treasurer in order to receive his entire salary payment. If illness continues beyond one year, the Chief of Police shall be paid on the basis of his accumulated sick leave.

**ARTICLE V**  
**FUNERAL LEAVE**

1. In the event of death in the Chief of Police's immediate family (herein defined as either a spouse, parent, stepparent, grandparent, sibling, child, foster child, stepchild, grandchild, parent-in-law, daughter-in-law or son-in-law) or any other relatives residing in the Chief of Police's home, the Chief of Police shall be granted time off, without loss of pay, commencing no later than the day of the funeral, but in no event to exceed three (3) consecutive calendar days.

2. The Chief of Police will be granted special funeral leave, without loss of pay, for a period of one (1) day due to the death of any other relative or individual not specified above.

**ARTICLE VI**  
**VACATIONS**

The Chief of Police shall be entitled to thirty (30) days of vacation time per calendar year.

1. The Chief of Police shall be entitled to schedule his vacation time, provided that the Chief of Police shall not take vacation leave unless ranking officers are available to assume control of, and responsibility for, the operation of the Police Department. In addition, the Chief of Police shall not schedule his vacation time during any time period where planned events shall require the presence of the Chief of Police.

2. Up to 15 days of unused vacation time may be paid at that year's rate of pay in which the vacation is earned, paid at the equivalent of his regular hourly rate, and shall be paid no later than January 30<sup>th</sup> of the succeeding year. An additional 5 days may be carried over to the following year only. Any unused and accrued vacation time shall be compensated for by the Borough at the Base Salary hourly rate when the Chief of Police becomes voluntarily separated or retires from employment with the Borough. However, any unused and accrued vacation time will not be compensated for if the Chief of Police terminates his employment with the Borough without giving four weeks (4) week's prior notice to the Borough Administrator.

**ARTICLE VII**  
**INSURANCE, HEALTH, AND WELFARE**

1. The Borough shall maintain medical insurance coverage for the benefit of the Chief of Police and his family (herein defined as a spouse or dependent). At no time shall the Chief of Police receive less medical insurance coverage than that which is received by any other members of the Police Department. The Chief shall contribute premium contributions toward his benefits in the amounts calculated in P.L. 2011, Chapter 78 even if or when Chapter 78 sunsets.

2. The Borough shall supply the Chief of Police with all necessary legal advice and counsel in the defense of any and all claims, charges and/or allegations filed against him in the performance of his duties in accordance with the laws of the State of New Jersey and of the United States. The Chief

of Police, subject to the approval of the Borough, may make the selection of an attorney and the Borough shall not unreasonably withhold such approval. The Borough shall be responsible for indemnification of the Chief with respect to any such claims, charges and/or allegations, including compensatory damages, punitive damages, attorney's fees, costs, etc., so long as the Chief is found to have not participated or acted in any illegal manner. The Borough shall similarly be responsible for indemnification and counsel in connection with all claims, including compensatory, punitive damages, attorney's fees, costs, etc. for actions filed subsequent to the expiration of this agreement, so long as the Chief is not found to have participated or acted in any illegal manner.

3. Life Insurance in the amount of \$20,000.00 will also be provided by the Borough at no cost to the Chief of Police.

### **ARTICLE VIII**

#### **CLOTHING ALLOWANCE**

1 The Borough shall replace any clothing or personal items damaged or destroyed in the line of duty or reimburse the Chief of Police for the cost of replacing such items, provided reasonable replacement costs are mutually agreed to between the Borough and the Chief of Police. The Borough Administrator will approve all such purchases and reimbursements.

2 It shall be left to the professional discretion of the Chief of Police as to when he should wear formal or informal uniform or plain clothes.

### **ARTICLE IX**

#### **CELL PHONE ALLOWANCE**

The Chief of Police and the Borough agree that in lieu of a Borough-issued cell phone, a cell phone allowance shall be provided to the Chief of Police in the amount of \$270, no later than February 1<sup>st</sup> of each year.

**ARTICLE X**  
**CHIEF'S CAR**

1. The Borough agrees to supply the Chief of Police with an unmarked automobile to be used for police work. However, it shall be a full-sized, four-door car and shall be equipped with all such equipment as is normally needed for police work, including but not limited to emergency lights, siren, police radio, etc. There shall be no limit on the use of the automobile for police work or anything associated with police work, such as attending meetings, school outings, trips, conferences, and any other traveling needed to carry out the duties of the Chief of Police.
2. The Borough shall pay all expenses for the operation and upkeep of the automobile, such as car insurance, tires, gas, oil changes, and any other necessary repairs.
3. The automobile shall not be used by anyone other than the Chief of Police, except that the Chief of Police may designate other members of the Police Department, as appropriate, to use the vehicle for a designated police purpose.

**ARTICLE XI**  
**SALARY**

Commencing on January 1, 2024 Gendron's salary with the Borough shall be paid at an annual rate of \$162,898.54 less all applicable deductions, effective January 1, 2024. Effective January 1, 2025, Gendron's salary shall be paid at an annual rate of \$169,914.48, less all applicable deductions. Effective January 1, 2026, Gendron's salary with the Borough shall be paid at an annual rate of \$177,211.06, less all applicable deductions.

Salary shall be paid in accordance with the usual practice of the Borough.

**ARTICLE XII**  
**LONGEVITY**

The Chief of Police shall be paid, an annual longevity in the amount of \$12,500 per year, which shall be paid as a component of the Chief's base salary, prorated on a bi-weekly basis, with appropriate deductions.

When used in this agreement, the term “base salary” shall include the annual salary listed in Article X as well as Longevity identified in Article XI.

### **ARTICLE XIII**

#### **EDUCATIONAL PROGRAMS/LAW ENFORCEMENT CONFERENCES**

1. The Chief of Police shall be permitted to attend and be compensated for, at his Base Salary hourly rate, any school, seminar or retraining session conducted or sponsored by the International Association of Chiefs of Police, New Jersey State Association of Chiefs of Police, New Jersey State Police, Federal Bureau of Investigation, or any other educational program of a management or supervisory nature. Mutually agreed upon expenses, such as travel, room, food, tuition, special clothing, books, or any other charges connected with the educational program shall be borne by the Borough. In addition, the Borough agrees to grant the Chief of Police two (2) educational/instructional days off per year. In no event shall the Borough be required to pay or reimburse the Chief of Police for expenses of any class, course, school, or educational program unrelated to police activities.
2. Borough agrees to grant time off, including travel time, and pay all associated and reasonable expenses for the Chief of Police to attend the annual New Jersey State Association of Chiefs of Police Conference, the annual International Association of Chiefs of Police Conference, and the annual FBI National Academy Associates Conference subject to the availability of funding in the municipal budget. If the Chief of Police attends a conference at Borough expense, the Chief of Police shall provide the Borough with proof of expenses for attending such conference, by way of receipts or vouchers.
3. Borough also agrees to pay for the Chief of Police's dues for membership in the Mercer County Chiefs of Police Association, the New Jersey State Association of Chiefs of Police, the International Association of Chiefs of Police, and the FBI National Academy Associates.
4. Borough agrees to grant time off and pay all mutually agreed upon expenses incurred by the Chief of Police attending any meeting of the above-named associations, as long as such meetings are held within the State of New Jersey. In the event any such meeting occurs outside of New Jersey, the Chief of Police shall first obtain permission to attend such meeting from the Borough Administrator.

**ARTICLE XIV**

**BOROUGH ISSUED FIREARM**

In recognition of his service to the Borough of Hightstown, the Borough agrees to allow the Chief to keep his Borough issued firearm upon his retirement, at a trade in value set by a Borough authorized firearms vendor, so long as he signs the appropriate paperwork and satisfies any other requirements required by law to transfer ownership of the firearm from the Borough to him.

**ARTICLE XV**

**SEPARABILITY AND SAVINGS**

If any provision of this agreement, or any application of this agreement, is held to be invalid by operation of law or by a court or other tribunal of competent jurisdiction, such provision shall be inoperative, but all other provisions shall not be affected thereby and shall continue in full force and effect.

**ARTICLE XVI**

**EVALUATION**

The parties agree that the Chief of Police shall be evaluated in accordance with the Personnel Manual.

**ARTICLE XVII**

**MODIFICATION**

This Agreement represents the full agreement of the parties, and no modifications shall be made hereto unless such modification is made in writing and mutually accepted by all parties as evidenced by their signature.

**ARTICLE XVIII**

**TERM AND RENEWAL**

**THIS AGREEMENT** shall be in full force and effect as of January 1<sup>st</sup>, 2024 and shall remain in effect to, and including, December 31, 2026.

**IN WITNESS WHEREOF**, the parties hereto have set their hands and seals on the date specified below:

**CHIEF FRANK GENDRON**

**BOROUGH OF HIGHTSTOWN**

\_\_\_\_\_  
Frank Gendron

\_\_\_\_\_  
Susan Bluth, Mayor

WITNESS  
  
\_\_\_\_\_

ATTEST  
  
\_\_\_\_\_

Dated \_\_\_\_\_

Dated \_\_\_\_\_



# Resolution 2023-46

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

**RESOLUTION AUTHORIZING THE PURCHASE OF A LABRIE AUTOMIZER RH 33YD MOUNTED TO MACK LR CAB OVER CHASSISS FOR THE HIGHTSTOWN BOROUGH DEPARTMENT OF PUBLIC WORKS FROM SANITATION EQUIPMENT CORP. AN AUTHORIZED DEALER OF LABRIE ENVIROQUIP**

**WHEREAS**, the Borough of Hightstown as a contracting unit, may without advertising for bids, purchase any materials, supplies or equipment entered into on behalf Sourcewell (Formerly NJPA), 202 12<sup>th</sup> Street, Staples, MN, 56479 pursuant to the provision of P.L.2011, c.139 which permits contracting units to use contracts awarded by national or regional cooperative or other states that were competitively bid. The law supplements existing law on the use of such contracts and is intended to provide additional flexibility to local government in the area of procurement; and

**WHEREAS**, Labrie Enviroquip of Quebec Canada has been awarded the contract for this truck under Sourcewells Category: Mobile Refuse Collection Vehicles Contract #091219-LEG (expiration 11/15/2023); and

**WHEREAS**, the Purchasing Agent and Superintendent of Public Works recommend the utilization of this contract; and

**WHEREAS**, under Sourcewell Contract No. #091219-LEG, Sanitation Equipment Corp, 80 Furler Street, Totowa NJ 07512 an authorized dealer of Labrie Enviroquip, can provide a Labrie Automizer RH 33YD Mounted to Mack LR Cab Over Chassiss as per their quote #548/3 dated November 11, 2022 in the amount of \$388,939.07 to the Hightstown Borough.

**THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Hightstown that Sanitation Equipment Corp, 80 Furler Street, Totowa NJ 07512 an authorized dealer of Labrie Enviroquip, under Sourcewell Contract No. #091219-LEG be utilized to provide a Labrie Automizer RH 33YD Mounted to Mack LR Cab Over Chassiss at the cost of \$388,939.07.

## **CERTIFICATION**

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

---

Margaret Riggio  
Borough Clerk



# The Borough of Hightstown

Clerk's Office

156 Bank Street, Hightstown, New Jersey 08520

Phone – (609) 490-5100, ext. 628

Fax – (609) 371-0267

[priggio@hightstownborough.com](mailto:priggio@hightstownborough.com)

TO: Mayor and Council

FROM: Peggy Riggio, Borough Clerk/Purchasing Agent

DATE: February 2, 2023

RE: Purchase of New Labrie Automizer RH 33 YD mounted to Mack LR Cab Over Chassiss

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

Hightstown Borough is currently a member of Sourcewell, a National Cooperative Pricing System. Hightstown's member number is 41560

It has been determined that by utilizing the Sourcewell Cooperative Pricing System, to purchase a new Labrie Automizer RH 33YD mounted to Mack LR Cab Over Chassiss from Sanitation Equipment Corp, 80 Furler Street, Totowa NJ 07512 an authorized dealer of Labrie Environmental Group, shall result in an overall costs saving to the Borough of approximately \$ 181,672.20.

I recommend that the purchase of the new Labrie Automizer RH 33YD mounted to Mack LR Cab Over Chassiss , for the Department of Public Works by the use of the Sourcewell Cooperative Pricing System.

Funds are available in the following Capital accounts:

C-04-55-898-005-444            amount; \$ 388,939.07

# Resolution 2023-47

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

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

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

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

**WHEREAS**, in accordance with *N.J.S.A. 40A:14-191*, the Hightstown First Aid Squad and Hightstown Engine Co. No. 1 have submitted certified listings of all volunteer members who qualified for credit under the LOSAP program for the year 2021; and

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

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

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

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

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

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

**CERTIFICATION**

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

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Margaret Riggio  
Borough Clerk

**Schedule “A” – Page 1 of 1**

*The following volunteers qualified by points earned during the year 2021 for credit in the Borough of Hightstown Length of Service Awards Program (LOSAP), AND/OR are eligible to redeem amounts “banked” during prior years of qualified service. Points were earned in accordance with the point system established in Ordinance 1999-20 and certified by the Fire Chief and First Aid Squad President. Total allowable contribution for each year of qualified service is \$750.00. Total allowable payment into fund on behalf of any one volunteer in any one year, including current year contribution, buyback of prior year service and/or redemption of amounts banked during prior years of qualified service, is \$1,150.00.*

**Hightstown Engine Co. No. 1**

Bennett, Ryan  
Brink, Kevin  
Derr, Donald  
Derr, Stephanie  
Evers, Gary  
Frank, Austin  
Gerber, Robin  
Glackin, Neal  
Jenkins, Scott  
Krakowski, Scott  
Madonia, Mark  
Mastiano, Rich  
McClenahan, Cynthia  
Miller, Emily  
Reed, Chad  
Seip, Joseph  
Sugg, C  
Weinberg, Alexandria  
Weisel, A  
Yanez, Eduardo  
Zajdel, Jakub

**Hightstown First Aid Squad**

Boguszewski, Stephen  
Curran, Jessica  
Stackhouse, Keith  
Sukhadia, Sneah

# Resolution 2023-48

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

**AUTHORIZING PAYMENT NO. 5 – ALLIED PAINTING, INC. (WATER TANK PAINTING AND REPAIR AT FIRST AVENUE, LESHIN LANE AND CRANBURY STATION ROAD)**

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

**WHEREAS**, the contractor has submitted a request for payment No. 5 in the amount of \$24,304.00, for partial payment through January 23, 2023; and

**WHEREAS**, the Borough Engineer has recommended approval of Payment Request No. 4 to the contractor in the amount of \$24,304.00; and

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that Payment Request No. 5 to Allied Painting, Inc., of Cherry Hill New Jersey for \$24,304.00, is hereby approved as detailed herein, and the Deputy CFO is authorized to issue same.

**CERTIFICATION**

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

---

Margaret Riggio  
Borough Clerk



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

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

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## MEMORANDUM

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**TO:** Mayor and Council  
Borough of Hightstown

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

**DATE:** January 27, 2023

**RE:** Water Tank Painting and Repairs at First Avenue,  
Leshin Lane, and Cranbury Station Road  
Payment No. 5  
Our File No.: H1678

Attached please find the following in reference to Payment No. 5 which is a partial payment through January 23, 2023 for exterior painting and cleaning at the First Avenue water tank:

1. Payment No. 5
2. Invoice No. 5
3. Certified Payrolls
4. Monthly Project Workforce Reports

I recommend payment be made to Allied Painting, Inc. in the amount of \$24,304.00

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

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



**PAYMENT No. 5**  
**WATER TANK PAINTING AND REPAIRS AT FIRST AVENUE,**  
**LESHIN LANE, AND CRANBURY STATION ROAD**  
**Borough of Hightstown, Mercer County, New Jersey**  
January 25, 2023  
File No.: H1678

Item No.	Description	Contract Quantity	Units	Total As-Built Quantity	As-Built This Period	Unit Price	Total Cost
1	Mobilization	LS	1.00	1.00	0.00	\$15,000.00	\$15,000.00
2	Project Video and Photographs	LS	1.00	1.00	0.00	\$3,500.00	\$3,500.00
3	Water Tank Improvements - First Avenue	LS	1.00	1.00	0.25	\$99,200.00	\$99,200.00
4	Water Tank Improvements - Leshin Lane	LS	1.00	1.00	0.00	\$187,600.00	\$187,600.00
5	Water Tank Improvements - Cranbury Station Road	LS	1.00	1.00	0.00	\$112,000.00	\$112,000.00
6	Cleaning and Restoration	LS	1.00	0.00	0.00	\$10,000.00	\$0.00
S-1	Power Washing Cranbury Station Road Water Tank	LS	1.00	1.00	0.00	\$7,800.00	\$7,800.00
S-2	Cranbury Station Road Paint Touchups and Rust Repair	LS	1.00	1.00	0.00	\$5,100.00	\$5,100.00
S-3	Leshin Lane Cathodic Protection	LS	1.00	0.00	0.00	\$40,000.00	\$0.00
S-4	Ladder Credit - First Avenue	UNIT	1.00	1.00	0.00	-\$500.00	-\$500.00
S-5	Ladder Credit - Leshin Lane	UNIT	2.00	2.00	0.00	-\$1,000.00	-\$2,000.00
<b>TOTAL WORK COMPLETED</b>							<b>\$427,700.00</b>
LESS: RETAINAGE		2%					<b>\$8,554.00</b>
<b>SUBTOTAL</b>							<b>\$419,146.00</b>
LESS: PREVIOUS PAYMENTS							<b>\$394,842.00</b>
<b>TOTAL AMOUNT DUE</b>							<b>\$24,304.00</b>
AMOUNT OF ORIGINAL CONTRACT							<b>\$427,300.00</b>
AMOUNT OF ORIGINAL CONTRACT ADJUSTED BY CHANGE ORDER NOS. 1 & 2 (11.8%)							<b>\$477,700.00</b>



# Resolution 2023-49

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

**AUTHORIZING PAYMENT #4 FINAL AND CHANGE ORDER #3 FINAL– EARLE ASPHALT COMPANY – IMPROVEMENTS TO SPRINGCREST DRIVE, TAYLOR AVENUE, SPRUCE COURT, GLEN DRIVE & SCHUYLER AVENUE**

**WHEREAS**, on March 15, 2021, the Borough Council awarded a contract for the Improvements to Springcrest Drive, Taylor Avenue, Spruce Court, Glen Drive & Schuyler Avenue to Earle Asphalt Company of Wall, New Jersey at the price of \$1,370,813.13; and

**WHEREAS**, the contractor has submitted a request for payment No. 4 Final in the amount of \$53,372.13; and

**WHEREAS**, the contractor has submitted Change Order No. 3 what adjusts the contract to as built quantities; and

**WHEREAS**, Change Order No. 3 reduces the contract by \$187,964.51 (-10.43%) to a final contract amount of \$1,227,850.80; and

**WHEREAS**, the Borough Engineer has recommended approval of Change Order No. 3; and

**WHEREAS**, the Borough Engineer has recommended the contract be accepted, closed out and final payment be made to Earle Asphalt Company in the amount of \$52,372.13.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that Change Order No. 3 Final and Payment Request No. 4 Final to Earle Asphalt Company of Wall, New Jersey for \$52,372.13, is hereby approved as detailed herein, and the Deputy CFO is authorized to issue same.

## **CERTIFICATION**

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

January 27, 2023

Mayor and Council  
Borough of Hightstown  
156 Bank Street  
Hightstown, NJ 08520

Re: Improvements to Springcrest Drive, Taylor Avenue,  
Spruce Court, Glen Drive, and Schuyler Avenue  
Borough of Hightstown, Mercer County  
Our File No.: H1800

Dear Mayor and Council:

Enclosed with this letter, please find the following documents:

1. Payment No. 4 and Final
2. Change Order No. 3 and Final
3. 2-Year Maintenance Bond
4. Contractor's Affidavit and Release
5. Acknowledgement of Contractor
6. Consent of Surety to Final Payment
7. Contractor's Release

Change Order No. 3 and Final adjusts the contract to as-built quantities which reduces the contract cost by \$187,964.51 to a final contract amount of \$1,227,850.80 (-10.43%).

You may recall that Change Order Nos. 1 and 2 increased the original contract by approximately \$45,000 from \$1,370,813.13 to \$1,415,815.31. The increased costs outlined in these change orders were primarily the result of additional curb, sidewalk, and paving improvements at Schuyler Avenue as requested by Council after the contract was awarded.

During construction, this office worked closely with the Department of Public Works as well the Contractor to minimize the additional costs shown in Change Order Nos. 1 and 2. Ultimately, we were able to reduce the cost of these change orders so that the final contract value was below the original bid price.

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

I recommend the contract be accepted, closed out, and final payment be made to Earle Asphalt Company in the amount of \$53,372.13, subject to the approval of the closeout documents by the Borough Attorney. Certified payrolls have previously been forwarded to the Borough.

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

Very truly yours,

A handwritten signature in blue ink that reads "Carmela Roberts". The signature is written in a cursive, flowing style.

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

cc: Dimitri Musing, Borough Administrator  
Peggy Riggio, RMC, CMR, Borough Clerk  
Mickey O'Connor, Accounts Payable Clerk  
George Lang, Borough CFO  
Fred Raffetto, Esq., Borough Attorney  
Cameron Corini, PE, CME, Roberts Engineering Group, LLC  
Kelly Pham, EIT, Roberts Engineering Group, LLC



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

**PAYMENT No. 4 and FINAL**  
**IMPROVEMENTS TO SPRINGCREST DRIVE, TAYLOR AVENUE,**  
**SPRUCE COURT, GLEN DRIVE, AND SCHUYLER AVENUE**  
**Borough of Hightstown, Mercer County, New Jersey**  
December 21, 2022  
File No.: H1800

Item No.	Description	Contract Quantity	Units	Total As-Built Quantity	As-Built This Period	Unit Price	Total Cost
1	Mobilization	LS	1.00	1.00	0.00	\$130,000.00	\$130,000.00
2	Clearing Site	LS	1.00	1.00	0.00	\$90,000.00	\$90,000.00
3	Project Video	LS	1.00	1.00	1.00	\$0.01	\$0.01
4	Traffic Director, Flagger	HOUR	160.00	18.00	0.00	\$0.01	\$0.18
5	Uniform Traffic Director (State Non-Participating)	HOUR	500.00	57.32	6.92	\$95.00	\$5,445.00
6	Traffic Cone	UNIT	25.00	0.00	0.00	\$0.01	\$0.00
7	Drum	UNIT	15.00	0.00	0.00	\$0.01	\$0.00
8	Breakaway Barricade	UNIT	21.00	0.00	0.00	\$0.01	\$0.00
9	Construction Sign 'B' (60"x30")	UNIT	7.00	0.00	0.00	\$0.01	\$0.00
10	Construction Sign 'C' (72"x60")	UNIT	2.00	0.00	0.00	\$0.01	\$0.00
11	Construction Sign 'D' (72"x60")	UNIT	1.00	0.00	0.00	\$0.01	\$0.00
12	Construction sign 'E' (72"x60")	UNIT	1.00	0.00	0.00	\$0.01	\$0.00
13	Construction Sign 'F' (72"x60")	UNIT	1.00	0.00	0.00	\$0.01	\$0.00
14	Construction Sign 'G' (30"x24")	UNIT	6.00	0.00	0.00	\$0.01	\$0.00
15	Construction Sign 'H' (30"x24")	UNIT	7.00	0.00	0.00	\$0.01	\$0.00
16	Construction Sign 'I' (30"x24")	UNIT	4.00	0.00	0.00	\$0.01	\$0.00
17	Construction Sign 'J' (72"x60") (State Non-Participating)	UNIT	2.00	0.00	0.00	\$0.01	\$0.00
18	Inlet Filter, Type 2	UNIT	12.00	12.00	0.00	\$50.00	\$600.00
19	Excavation, Unclassified, 12" Depth	CY	225.00	272.00	0.00	\$60.00	\$16,320.00
20	Tree Removal, 6" to 12" Diameter	UNIT	19.00	19.00	0.00	\$400.00	\$7,600.00
21	Tree Removal, Over 24" to 30" Diameter	UNIT	7.00	7.00	0.00	\$2,000.00	\$14,000.00
22	Decommission Existing Sanitary Lift Station (State Non-Participating)	LS	1.00	1.00	0.00	\$9,500.00	\$9,500.00
23	Abandon Sanitary Manhole (State Non-Participating)	UNIT	1.00	1.00	0.00	\$2,500.00	\$2,500.00
24	Manhole Frame and Cover, Sanitary (State Non-Participating)	UNIT	8.00	1.00	0.00	\$400.00	\$400.00
25	Connect to Existing Manhole (State Non-Participating)	UNIT	2.00	2.00	0.00	\$2,500.00	\$5,000.00
26	Precast Sanitary Manhole with Frame and Cover, 4' Diameter (State Non-Participating)	UNIT	5.00	3.00	0.00	\$10,421.00	\$31,263.00
27	Precast Sanitary Doghouse Manhole with Frame and Cover, 4' Diameter (State Non-Participating)	UNIT	1.00	0.00	0.00	\$12,201.67	\$0.00
28	8" PVC Sanitary Main (State Non-Participating)	LF	389.00	286.00	0.00	\$85.00	\$24,310.00
29	10" PVC Sanitary Main (State Non-Participating)	LF	637.00	620.00	0.00	\$95.00	\$58,900.00
30	6" PVC Sanitary Lateral (State Non-Participating)	LF	498.00	416.00	0.00	\$170.00	\$70,720.00
31	PVC Cleanout, Sanitary (State Non-Participating)	UNIT	42.00	35.00	0.00	\$100.00	\$3,500.00
32	Concrete Encasement (State Non-Participating)	LF	50.00	0.00	0.00	\$0.01	\$0.00
33	Precast Inlet, Type 'B'	UNIT	1.00	1.00	0.00	\$5,000.00	\$5,000.00
34	Precast Doghouse Inlet, Type 'E'	UNIT	1.00	1.00	0.00	\$5,500.00	\$5,500.00
35	Precast Catch Basin, Type 'A'	UNIT	2.00	2.00	0.00	\$4,000.00	\$8,000.00
36	4" Type 'N' Eco Curb Piece	UNIT	1.00	0.00	0.00	\$400.00	\$0.00
37	8" Type 'N' Eco Curb Piece	UNIT	5.00	1.00	0.00	\$500.00	\$500.00
38	Inlet Frame and Grate, Bicycle Safe	UNIT	7.00	6.00	0.00	\$750.00	\$4,500.00
39	12" Reinforced Concrete Pipe (State Non-Participating)	LF	4.00	0.00	0.00	\$400.00	\$0.00
40	6" Perforated PVC Storm Pipe (State Non-Participating)	LF	25.00	25.00	0.00	\$80.00	\$2,000.00
41	4" PVC Underdrain (State Non-Participating)	LF	35.00	35.00	0.00	\$125.00	\$4,375.00
42	PVC Cleanout, Storm (State Non-Participating)	UNIT	1.00	1.00	0.00	\$750.00	\$750.00
43	1" Crosslinked Polyethylene Water Service (State Non-Participating)	LF	852.00	0.00	0.00	\$50.00	\$0.00
44	Curb Valve and Box (State Non-Participating)	UNIT	40.00	14.00	0.00	\$150.00	\$2,100.00
45	6" Cap (State Non-Participating)	UNIT	8.00	9.00	0.00	\$500.00	\$4,500.00
46	6" Insertion Valve (State Non-Participating)	UNIT	1.00	1.00	0.00	\$5,000.00	\$5,000.00
47	6"x6" Wet Tap and Valve (State Non-Participating)	UNIT	1.00	1.00	0.00	\$5,000.00	\$5,000.00
48	8"x6" Wet Tap and Valve (State Non-Participating)	UNIT	1.00	1.00	0.00	\$5,000.00	\$5,000.00
49	6" HDPE Water Main (State Non-Participating)	LF	1,269.00	824.00	0.00	\$100.00	\$82,400.00
50	Fire Hydrant Assembly, Complete (State Non-Participating)	UNIT	6.00	6.00	0.00	\$6,000.00	\$36,000.00
51	6"x8"x18" Concrete Vertical Curb	LF	3,752.00	4,606.00	30.00	\$30.00	\$138,180.00



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

52 Concrete Sidewalk, 4" Thick	SY	1,049.00	1,130.40	7.00	\$70.00	\$79,128.00
53 Concrete Sidewalk, Reinforced, 6" Thick	SY	360.00	349.00	7.00	\$95.00	\$33,155.00
54 Hot Mix Asphalt Driveway, 2" Thick	SY	194.00	128.80	0.00	\$30.00	\$3,864.00
55 Stone Driveway	SY	30.00	35.90	0.00	\$30.00	\$1,077.00
56 Detectable Warning Surface	SY	10.00	12.00	0.00	\$400.00	\$4,800.00
57 HMA Milling, 3" or Less	SY	8,510.00	9,770.00	0.00	\$4.50	\$43,965.00
58 HMA Profile Milling	SY	950.00	950.00	0.00	\$4.50	\$4,275.00
59 HMA Pavement Repair	SY	1,515.00	219.00	209.00	\$15.00	\$3,285.00
60 Tack Coat	GAL	1,001.00	1,000.00	0.00	\$0.01	\$10.00
61 Hot Mix Asphalt 9.5M64 Surface Course, 2" Thick	TON	1,300.00	1,307.98	0.00	\$60.00	\$78,478.80
62 Hot Mix Asphalt 9.5M64 Leveling Course, Variable Thickness	TON	375.00	58.41	0.00	\$0.01	\$0.58
63 Hot Mix Asphalt 19M64 Base Course, 4" Thick	TON	150.00	184.55	34.55	\$88.97	\$16,419.41
64 Permanent Trench Restoration - Schuyler Avenue (State Non-Participating)	SY	300.00	0.00	0.00	\$14.00	\$0.00
65 Dense Graded Aggregate Base Course, 6" Thick	SY	650.00	360.00	0.00	\$10.00	\$3,600.00
66 1 1/2" Clean Stone, If & Where Directed	CY	50.00	0.00	0.00	\$25.00	\$0.00
67 30"x30" Regulatory Sign, R1-1 'Stop'	UNIT	5.00	5.00	5.00	\$200.00	\$1,000.00
68 12"x18" Regulatory Sign, 'Do Not Block Driveway'	UNIT	1.00	0.00	0.00	\$125.00	\$0.00
69 12"x18" Regulatory Sign, R7-2 'No Parking'	UNIT	1.00	4.00	4.00	\$125.00	\$500.00
70 12"x18" Regulatory Sign, R7-2 'No Parking 9AM-3PM MON-FRI'	UNIT	8.00	8.00	8.00	\$125.00	\$1,000.00
71 30"x30" Warning Sign, W14-1 'Dead End'	UNIT	2.00	1.00	1.00	\$200.00	\$200.00
72 Street Sign	UNIT	8.00	4.00	4.00	\$230.00	\$920.00
73 Traffic Markings, 24" Wide White	LF	305.00	380.00	0.00	\$4.00	\$1,520.00
74 Traffic Markings, 8" Wide White	LF	222.00	292.00	0.00	\$1.50	\$438.00
75 Traffic Markings, Sharrow Symbol	UNIT	14.00	14.00	0.00	\$400.00	\$5,600.00
76 Traffic Stripe, 4" Wide Yellow	LF	1,085.00	0.00	0.00	\$0.75	\$0.00
77 Tree Planting, 2" Cal	UNIT	22.00	26.00	26.00	\$345.00	\$8,970.00
78 Topsoiling, 5" Thick	SY	1,542.40	1,542.00	166.00	\$5.00	\$7,710.00
79 Fertilizing and Seeding, Type A-3	SY	1,542.00	1,542.00	166.00	\$0.01	\$15.42
80 Fuel Price Adjustment	DOLLAR	2,500.00	4,926.83	0.00	\$1.00	\$4,926.83
81 Asphalt Price Adjustment	DOLLAR	5,000.00	9,340.28	0.00	\$1.00	\$9,340.28
82 Allowance (State Non-Participating)	DOLLAR	100,000.00	0.00	0.00	\$1.00	\$0.00
S-1 8" HDPE Water Main (Schuyler Avenue) (State Non-Participating)	LF	370.00	362.00	0.00	\$135.86	\$49,181.32
S-2 1" Type 'K' Copper Water Service	LF	643.00	245.00	0.00	\$57.55	\$14,099.75
S-3 4" PVC Storm Pipe	LF	175.00	175.00	0.00	\$100.00	\$17,500.00
S-4 10" PVC Storm Pipe	LF	27.00	27.00	0.00	\$139.50	\$3,766.50
S-5 Water Service Relocation - Westerlea Avenue	LS	1.00	1.00	0.00	\$15,256.72	\$15,256.72
S-6 Sanitary Manhole Core - STA 6+50	UNIT	1.00	1.00	0.00	\$6,000.00	\$6,000.00
S-7 Sanitary Manhole Core - STA 8+00	UNIT	1.00	1.00	0.00	\$6,775.00	\$6,775.00
S-8 8" DIP Sanitary Main	LS	1.00	1.00	0.00	\$11,500.00	\$11,500.00
S-9 Hydrant Tee	UNIT	1.00	1.00	0.00	\$3,650.00	\$3,650.00
S-10 New Sanitary Lateral - 352 South Main Street	UNIT	0.00	1.00	1.00	\$3,700.00	\$3,700.00
S-11 Tree Removal, Over 30" to 36" Diameter	UNIT	0.00	1.00	1.00	\$3,360.00	\$3,360.00

<b>TOTAL WORK COMPLETED</b>						<b>\$1,227,850.80</b>
LESS: RETAINAGE	0%					\$0.00
<b>SUBTOTAL</b>						<b>\$1,227,850.80</b>
LESS: PREVIOUS PAYMENTS						\$1,174,478.67
<b>TOTAL AMOUNT DUE</b>						<b>\$53,372.13</b>
AMOUNT OF ORIGINAL CONTRACT						\$1,370,813.13
AMOUNT OF ORIGINAL CONTRACT ADJUSTED BY CHANGE ORDER NO. 1, 2, and 3 and FINAL (-10.43%)						\$1,227,850.80

**NEW JERSEY DEPARTMENT OF TRANSPORTATION  
DIVISION OF LOCAL AID AND ECONOMIC DEVELOPMENT  
CHANGE ORDER NUMBER - 3 AND FINAL  
STATE AID PROEJCT**

<b>Project</b>	<b>Improvements to Springcrest Drive, Taylor Avenue, Spruce Court, Glen Drive, and Schuyler Avenue</b>
<b>Municipality</b>	<b>Borough of Hightstown</b>
<b>County</b>	<b>Mercer County</b>
<b>Contractor</b>	<b>Earle Asphalt Company</b>

**In accordance with the project Supplementary Specification, the following are changes in the contract.**  
**Location and Reason for Change (Attach additional sheets if required)**  
 Adjustments to as-built quantities.  
 Addition of 7 new Supplemental Pay Items:  
 S3 and S4 allow for additional storm improvemnets which were found to be necessary when existing deteriorated storm piping was exposed during excavation.  
 S5 is for relocation of an existing water service at the intersection of Westerlea Avenue at Springcrest Road. The service conflicted with the sanitary lateral.  
 S6 and S7 were for modifications to new sanitary manholes. These modifications ultimately allowed for a reduction in new sewer mains and resulted in a reduced sewer main improvement costs.  
 S8 is for replacement of sanitary sewer main at Taylor Avenue which was found to be in poor condition during construction. The existing ACP main was replaced with DIP main to ensure no future damage.  
 S9 is for a new tee on the main at the fire hydrant located at Springcrest Road near Glen Drive. The existing tee was found to be in poor condition and could not be reused with the new hydrant.

<u>Item No.</u>	<u>Description</u>	<u>Quantity (+/-)</u>	<u>Unit Price</u>	<u>Amount</u>
4	Traffic Director, Flagger	(142.00) HOUR	\$0.01	(\$1.42)
5	Uniform Traffic Director	(442.68) HOUR	\$95.00	(\$42,055.00)
6	Traffic Cone	(25.00) UNIT	\$0.01	(\$0.25)
7	Drum	(15.00) UNIT	\$0.01	(\$0.15)
8	Breakaway Barricade	(21.00) UNIT	\$0.01	(\$0.21)
9	Construction Sign 'B' (60"x30")	(7.00) UNIT	\$0.01	(\$0.07)
10	Construction Sign 'C' (72"x60")	(2.00) UNIT	\$0.01	(\$0.02)
11	Construction Sign 'D' (72"x60")	(1.00) UNIT	\$0.01	(\$0.01)
12	Construction sign 'E' (72"x60")	(1.00) UNIT	\$0.01	(\$0.01)
13	Construction Sign 'F' (72"x60")	(1.00) UNIT	\$0.01	(\$0.01)
14	Construction Sign 'G' (30"x24")	(6.00) UNIT	\$0.01	(\$0.06)
15	Construction Sign 'H' (30"x24")	(7.00) UNIT	\$0.01	(\$0.07)
16	Construction Sign 'I' (30"x24")	(4.00) UNIT	\$0.01	(\$0.04)
17	Construction Sign 'J' (72"x60")	(2.00) UNIT	\$0.01	(\$0.02)
24	Manhole Frame and Cover, Sanitary	(7.00) UNIT	\$400.00	(\$2,800.00)
26	Precast San Manhole with Frame and Cover, 4' Dia	(2.00) UNIT	\$10,421.00	(\$20,842.00)
27	Precast San Doghouse Manhole with Frame and Cover	(1.00) UNIT	\$12,201.67	(\$12,201.67)
28	8" PVC Sanitary Main	(103.00) LF	\$85.00	(\$8,755.00)
29	10" PVC Sanitary Main	(17.00) LF	\$95.00	(\$1,615.00)
30	6" PVC Sanitary Lateral	(82.00) LF	\$170.00	(\$13,940.00)
31	PVC Cleanout, Sanitary	(7.00) UNIT	\$100.00	(\$700.00)
32	Concrete Encasement	(50.00) LF	\$0.01	(\$0.50)
36	4" Type 'N' Eco Curb Piece	(1.00) UNIT	\$400.00	(\$400.00)
37	8" Type 'N' Eco Curb Piece	(4.00) UNIT	\$500.00	(\$2,000.00)
38	Inlet Frame and Grate, Bicycle Safe	(1.00) UNIT	\$750.00	(\$750.00)
39	12" Reinforced Concrete Pipe	(4.00) LF	\$400.00	(\$1,600.00)
44	Curb Valve and Box	(19.00) UNIT	\$150.00	(\$2,850.00)
49	6" HDPE Water Main	(75.00) LF	\$100.00	(\$7,500.00)
51	6"x8"x18" Concrete Vertical Curb	30.00 LF	\$30.00	\$900.00
52	Concrete Sidewalk, 4" Thick	(83.60) SY	\$70.00	(\$5,852.00)
53	Concrete Sidewalk, Reinforced, 6" Thick	(36.00) SY	\$95.00	(\$3,420.00)
54	Hot Mix Asphalt Driveway, 2" Thick	(65.20) SY	\$30.00	(\$1,956.00)
56	Detectable Warning Surface	(2.00) SY	\$400.00	(\$800.00)

**(Submit four (4) copies to the Local Aid District Office)**



# Resolution 2023-50

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

## **AUTHORIZING HIGHTSTOWN ENGINE COMPANY NO. 1 TO APPLY FOR THE ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM FOR FY2022**

**WHEREAS**, the Assistance to Firefighters Grant Program (AFG) provides fire safety grants to fund critically needed resources to equip and train emergency personnel, enhance efficiencies and support community resilience; and

**WHEREAS**, the deadline to apply for funds for FY2022 is February 10, 2023; and

**WHEREAS**, Hightstown Engine Company No. 1 has expressed interest in applying for funds and requires Hightstown Borough's DUNS and UEI numbers for the application process; and

**WHEREAS**, Borough Council support the fire company's application provided that:

1. Hightstown Engine Company No. 1 is responsible for writing the grant and any and all administration of the grant during the application and approval process.
2. Hightstown Engine Company No. 1 is responsible for any and all administration of the grant should the grant be awarded.
3. Hightstown Engine Company No. 1 is responsible to maintain and update all records as required by AFG including any administration and follow up once funds are awarded.
4. Hightstown Engine Company No. 1 is responsible for any financial obligations including but not limited to matching grant funds.

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that Hightstown Engine Company No. 1 is authorized to apply for the FY2022 Assistance to Firefighters Grant Program as detailed herein and the Borough Administrator is directed to provide Hightstown Borough's DUNS and UEI numbers.

**BE IT FURTHER RESOLVED** that a copy of this resolution be forwarded to:

1. Donald Derr, Chief Hightstown Engine Company
2. Dimitri Musing, Borough Administrator

### **CERTIFICATION**

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

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Margaret Riggio  
Borough Clerk

# Resolution 2023-51

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

## **AUTHORIZING REFUND OF WATER/SEWER OVERPAYMENT**

**WHEREAS**, a water/sewer overpayment was made for Block 3.01; Lot 53.05, 6 Maple Avenue, in the amount of \$639.00; and

**WHEREAS**, the owner, Deval Patel, 6 Maple Avenue, Hightstown, New Jersey 08520, has requested that a refund be issued for the overpayment in the amount of \$639.00; and

**WHEREAS**, the Collector has requested that said overpayment be refunded in the amount of \$639.00.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the Collector and Deputy CFO are hereby authorized to issue a refund in the amount of \$639.00 to Deval Patel, 6 Maple Avenue, Hightstown, New Jersey 08520 , representing the water/sewer overpayment as set forth herein.

## **CERTIFICATION**

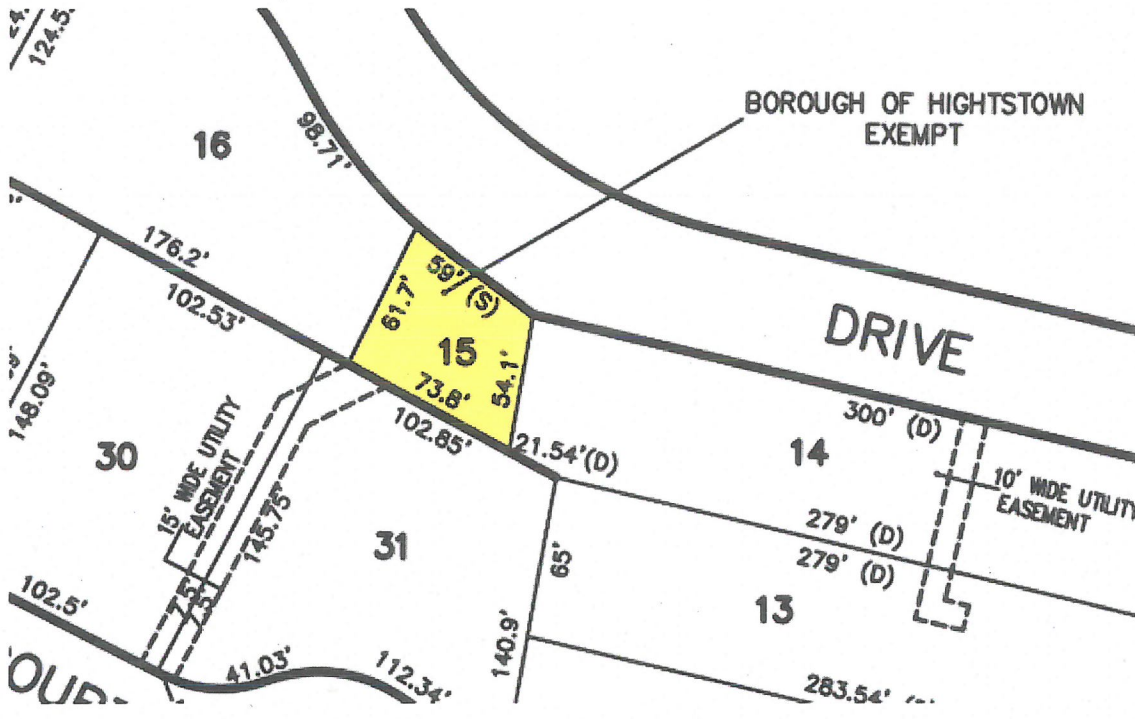
I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on February 6, 2023.

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Margaret Riggio  
Borough Clerk



### SALE OF SPRINGCREST PUMP STATION



# Resolution 2023-52

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

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

**BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that this body will hold a meeting on February 6, 2023, at the Hightstown Fire House located at 140 North Main Street, Hightstown, that will be limited only to consideration of an item or items with respect to which the public may be excluded pursuant to section 7b of the Open Public Meetings Act.

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

Personnel – Police Personnel

Litigation – Schloss V. Hightstown

Stated as precisely as presently possible the following is the time when and the circumstances under which the discussion conducted at said meeting can be disclosed to the public May 6, 2023, or when the need for confidentiality no longer exists.

The public is excluded from said meeting, and further notice is dispensed with, all in accordance with sections 8 and 4a of the Open Public Meetings Act.

## **CERTIFICATION**

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

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Margaret Riggio  
Borough Clerk