

Meeting Minutes
Hightstown Borough Council
Regular Meeting
September 6, 2011
6:30 pm

The meeting was called to order by Mayor Kirson at 6:30 pm 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 in the Borough Clerk's office."

The Mayor called for a Roll Call.

ROLL CALL

	PRESENT	ABSENT
<i>Councilmember Bibens</i>	✓	
<i>Councilmember Gilmartin</i>	✓	
<i>Councilmember McGinty</i>	✓	
<i>Councilmember Quattrone</i>	✓	
<i>Councilmember Woods</i>	✓	
<i>Councilmember Vanderbeck</i>	✓	
<i>Mayor Kirson</i>	✓	

Also in attendance: Debra Sopronyi, Borough Clerk; and Frederick Raffetto, Borough Attorney.

Councilmember McGinty moved to amend resolution 2011-212 to include Contract Negotiations regarding the Lucas Electric property, and Health and Public Safety regarding Hurricane Irene; Councilmember Vanderbeck seconded. All ayes, resolution amended.

The Mayor then read the amended resolution aloud.

Resolution 2011-212

Councilmember Vanderbeck moved resolution 2011-212 as amended. Council President Quattrone seconded.

Roll Call Vote: Council members Bibens, Gilmartin, McGinty, Quattrone, Vanderbeck, and Woods voted yes.

Resolution adopted, 6-0

Resolution 2011-212

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 September 6, 2011 at approximately 6:30 pm at the First Aid building on Bank Street that will be limited only to consideration of an item or items with respect to which the public may be excluded pursuant to section 7b of the Open Public Meetings Act.

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

Contract Negotiations – Cranbury 9-1-1 and Lucas Electric Property

Personnel – Borough Administrator

Health and Public Safety – Hurricane Irene

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: December 6, 2011, or when the need for confidentiality no longer

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exists.

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

Council re-convened into open session at 7:40 pm.

The public meeting was called to order by Mayor Kirson at 7:45 pm and he again read the Open Public Meetings Act statement.

The Flag Salute followed roll call which has remained the same. Carmela Roberts, Borough Engineer; Larry VanKirk, Fire Chief and OEM Coordinator; Larry Blake, Lead Water Plant Operator; Ken Lewis, DPW Superintendent; Bill Searing, AWWTP Superintendent, Sgt. Frank Gendron, Acting Police Director; and George Lang, Chief Financial Officer also joined the public meeting.

Councilmember McGinty reviewed the changes to resolution 2011-212 and requested that the agenda be amended by removing resolutions 2011-194 and 2011-195, adding discussion regarding the temporary use of space at Lucas Electric, adding resolution 2011-221 Authorizing Emergency Appropriations, and that the public comment period occur within 45 minutes.

Councilmember McGinty moved the agenda as amended, Councilmember Gilmartin seconded. The Mayor called for a roll call vote for the amended agenda.

Roll Call Vote: Council members Bibens, Gilmartin, McGinty, Quattrone, Vanderbeck, and Woods voted yes.

Agenda approved as amended, 6-0

Council President Quattrone then led a presentation regarding Hurricane Irene recovery efforts and status, introducing each Department Head in rotation.

OEM

Larry VanKirk, OEM Coordinator and Fire Chief proceeded to advised that FEMA has declared an emergency for Hightstown Borough, its residents and businesses; he gave the information to the Borough Clerk to be posted to the website. He advised that the Fire Department, although the bathrooms are not operational, is back in business.

Water Plant

Larry Blake, Lead Water Plant Operator, advised that the power to the plant should be turned on tonight and their equipment was delivered today; the plant should be operational by the end of the week. He reminded everyone to use water conservatively. There was discussion with Council.

DPW

Ken Lewis, DPW Superintendent, stated that the Public Works Department is up and running, they are retrieving trash and bulk as scheduled; he reminded the public that there is no charge for the bulk stickers until September 16, 2011 and that freon must be removed from appliances prior to pick-up. There was discussion with Council.

AWWTP

Bill Searing, Waste Water Plant Superintendent, advised that the pumps are on line but he lost the motors, flow meters and feeders. They are on target for the repairs and replacements, and should be up and running by the end of the week. There was discussion with Council and the Borough Engineer clarified that the items scheduled to be replaced in the bond ordinance were not affected by the flood water.

Administration

Debra Sopronyi, Borough Clerk, advised that the Administrative offices are working out of the Public Works lunchroom, though close quarters the offices are functional. If all goes well, they should be back in Borough Hall in about a month.

Police Department

Sgt. Frank Gendron, Acting Police Director, stated that the cable has finally been installed at the Lucas property, where they have re-located. The 9-1-1 equipment and lines have been ordered, but everything must be lined up for the installation to occur.

There was additional discussion after which the Department Heads were excused from the meeting.

Engineering Report

Carmela Roberts, Borough Engineer, reported that there is a meeting scheduled tomorrow morning with the NJDOT regarding the bridge, drainage and parapet wall on Main Street. The structural Engineer's report is forthcoming and the recommendations have been briefly reviewed. The inspection of the dam cannot take place because of the high water level; the lake will have to be lowered before inspection and it is recommended that a diver inspection be performed. Permission from the Division of Fish, Game and Wildlife for the lake lowering is required. She explained that the valve at the lake was opened prior to Hurricane Irene striking the region; the Borough did everything possible to avoid the flooding that occurred. There was discussion regarding flood zones.

Resolution 2011-213 Authorizing Receipt of Bids for the Summit Street Sidewalk Project

Council President Quattrone moved resolution 2011-213, Councilmember Woods seconded.

There was brief discussion.

Roll Call Vote: Council members Bibens, Gilmartin, McGinty, Quattrone, Vanderbeck, and Woods voted yes.

Resolution adopted, 6-0.

Resolution 2011-213

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

AUTHORIZING RECEIPT OF BIDS FOR THE SUMMIT STREET SIDEWALK PROJECT

WHEREAS, the New Jersey Department of Transportation has authorized the advertising and receipt of bids for the Summit Street Sidewalk Project.

BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Borough Engineer is hereby authorized to prepare specifications and advertise for bids for the Summit Street Project, and that the Borough is authorized to receive same after proper advertisement.

Resolution 2011-214 Authorizing the Mayor to Execute a Federal Aid Agreement with the New Jersey Department of Transportation for the Summit Street Sidewalk Project

Council President Quattrone moved resolution 2011-214, Councilmember McGinty seconded.

Roll Call Vote: Council members Bibens, Gilmartin, McGinty, Quattrone, Vanderbeck, and Woods voted yes.

Resolution adopted, 6-0.

Resolution 2011-214

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

AUTHORIZING THE EXECUTION OF A NEW JERSEY DEPARTMENT OF TRANSPORTATION FEDERAL AID AGREEMENT – SUMMIT STREET SIDEWALK PROJECT

FEDERAL PROJECT NO. STP-C005 (191) CONSTRUCTION

AGREEMENT NO. 11-DT-BLA-597

WHEREAS, the Borough has received written authorization from the New Jersey Department of Transportation (NJDOT) to advertise the bid for the Summit Street Sidewalk Project; and,

WHEREAS, it is required that the Borough execute a NJDOT Federal Aid Agreement in relation to this project; and,

WHEREAS, the NJDOT Federal Aid Agreement authorizes the amount of \$145,470.00 for construction and inspection work on this project; and,

WHEREAS, the Borough Engineer and Borough Attorney have reviewed this agreement and approved same; and,

WHEREAS, the Treasurer has certified that funds are available for this project.

NOW THEREFORE BE IT RESOLVED that the Borough Council hereby authorizes the Mayor and Clerk to execute the NJDOT Federal Aid Agreement for the Stockton Street Historic District Infrastructure Project.

Discussion ensued regarding the filing of an application for Municipal Aid. The Borough Engineer explained what is entailed to file the application. There was discussion regarding the fee for the filing and it was the consensus of Council that the Engineer should move forward with filing the application.

The Mayor reviewed resolutions adopted by Council regarding the mill and pave project being performed by the New Jersey Department of Transportation on Route 33/Mercer Street. He advised that the NJDOT wants Hightstown to pay the additional cost for the work to be performed during the day instead of during night hours. The additional cost is for police and asphalt delivery during the day; the contractor also wants the Borough to sign a waiver if this work is completed during the day. After further discussion, it was the consensus of Council that the work should be performed during night hours as originally planned by the Department of Transportation.

Mayor Kirson opened the Public Comment Period and the following individuals spoke during the period:

Beverly Asselstine, 326 Franklin Street – commented regarding the flooding of her property during Hurricane Irene.
Ronald Orendorf, 324 Franklin Street – commented regarding the flooding of his property during Hurricane Irene.
Tammy Kaufman, 3 Manlove – commented regarding the flooding of her property during Hurricane Irene.
John Archer, 131 Bennett Place – thanked the staff and volunteers for their hard work to recover from the flood.
Scott Jenkins, 200 Mechanic Street – commended the Emergency Management Team and Councilmember Bibens for their work during the flood.
George Serrano, 4 Westerlea Avenue – commented that school has started and he is having a problem with students parking on his property; he thanked Council for the actions taken to recover from the flood.
Noelle Gilman, 142 Mill Run East – commented that the Borough is having a good recovery from the flood, but more should have been done to prevent it.
Susan Bluth, 42 Dennis Court – commented regarding the choice of Borough Administrator.

There being no further comments, the Mayor closed the public comment period.

Resolution 2011-215 Authorizing the Payment of Bills

Council President Quattrone moved resolution 2011-215, Councilmember Bibens seconded.

Roll Call Vote: Council members Bibens, Gilmartin, McGinty, Quattrone, Vanderbeck, and Woods voted yes.

Resolution adopted, 6-0.

Resolution 2011-215

BOROUGH OF HIGHTSTOWN

COUNTY OF MERCER

STATE OF NEW JERSEY

AUTHORIZING PAYMENT OF BILLS

WHEREAS, a copy of the proposal is attached hereto and made a part hereof; and

WHEREAS, the services to be provided are considered to be “professional services” under the Local Public Contracts Law, N.J.S.A. 40A:11-1, *et seq.*; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for “professional services” without public advertising for bids and bidding therefor, provided that the Resolution authorizing the contract and the contract itself be 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, the Borough has determined that the amount of the contract shall not exceed \$17,500.00, and therefore the contract is not subject to the provisions of the State’s Local Unit Pay-to-Play Law, N.J.S.A. 19:44A-20.4, *et seq.* (the “Pay-to-Play law”); and

WHEREAS, notwithstanding the same, the contractor shall nevertheless be required to comply with and abide by the Borough’s local Pay-to-Play regulations, as set forth in Section 2-59.1, *et seq.*, of the Borough Code; and

WHEREAS, the Borough Council, having considered the same, now wishes to authorize the awarding of this professional service contract to Sockler Realty Services Group, Inc., for provision of the necessary real estate consultant services.

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 an Agreement, in a form acceptable to the Borough Attorney, between the Borough of Hightstown and Sockler Realty Services Group, Inc., regarding the above-referenced real estate consultant services.
2. That this contract is awarded without competitive bidding as a “professional service” in accordance with N.J.S.A. 40A:11-5 of the Local Public Contracts Law of New Jersey, because the services will be performed by persons authorized by law to practice a recognized profession and it is not possible to obtain bids for such needed qualitative services.
3. That the Chief Financial Officer is directed to file a certificate of availability of sufficient funds for this contract and to attach same to this Resolution.
4. That notice of the adoption of this Resolution shall be published in a newspaper of general circulation within the Borough.
5. That the contractor shall be required to comply with and abide by the Borough’s local Pay-to-Play regulations, as set forth in Section 2-59.1, *et seq.*, of the Borough Code.
6. That a certified copy of this Resolution shall be provided to each of the following:
 - (a) Peter E. Sockler, MAI, CRE, FRICS
 - (b) Debra L. Sopronyi, Qualified Purchasing Agent/Borough Clerk
 - (c) George Lang, Borough Chief Financial Officer
 - (d) Frederick C. Raffetto, Esq., Borough Attorney

The Borough Engineer was excused from the meeting at this time.

Resolution 2011-217 Resolution Appointing a Borough Administrator – Michael Theokas

Councilmember Gilmartin recused herself from discussion and vote on this resolution.

Councilmember Vanderbeck moved resolution 2011-217, Councilmember McGinty seconded with the resolution being amended to read “for a period of one year at a salary of \$750.00 per week and the Borough Administrator shall devote 30 hours per week to duties, exclusive of any and all governing body and other evening meetings through November 30, 2011; and \$1,000.00 per week and the Borough Administrator shall devote 40 hours per week to duties, exclusive of any and all governing body and other evening meetings December 1, 2011 through September 7, 2012”.

Councilmember Woods stated that this position is very important to the Borough and that Mr. Theokas’ has made it clear in the past that he would like consolidation, which she fears will interfere with his duties; she is disappointed in the process taken for this hire.

Councilmember Bibens commented that she is concerned with the comments from the public and inquired as to what happened to the idea of an interim position.

Councilmember Vanderbeck stated that Mr. Theokas is a good choice for the Administrator position and he has confidence in his abilities.

Councilmember McGinty commented that the language in the code offers the opportunity to release the Borough Administrator if needed and that his personal opinion should not interfere with Mr. Theokas' ability to work for Council.

Roll Call Vote: Council members McGinty, Quattrone, and Vanderbeck voted yes; Council members Bibens and Woods voted no; Councilmember Gilmartin was recused.

Resolution adopted as amended, 3-2, with one abstention.

Resolution 2011-217

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

APPOINTING A BUSINESS ADMINISTRATOR

WHEREAS, Section 2-9.3 of the *Revised General Ordinances of the Borough of Hightstown*, provides that "The Administrator shall be appointed by the Mayor with the advice and consent of the Council and shall serve at the pleasure of the Mayor and Council; and,

WHEREAS, it is the desire of the Mayor to appoint Michael Theokas of Hightstown Borough to serve as Borough Administrator for a period of one year at a salary of \$750.00 per week and the Borough Administrator shall devote 30 hours per week to duties, exclusive of any and all governing body and other evening meetings through November 30, 2011; and \$1,000.00 per week and the Borough Administrator shall devote 40 hours per week to duties, exclusive of any and all governing body and other evening meetings December 1, 2011 through September 7, 2012; and

WHEREAS, specific terms and conditions of employment have been set forth in a written agreement and said terms of agreement are hereby approved by the Mayor and Council.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Mayor's designation of Michael Theokas of Hightstown Borough, New Jersey is hereby ratified and confirmed as Borough Administrator for a term of one year at a salary of \$750.00 per week and the Borough Administrator shall devote 30 hours per week to duties, exclusive of any and all governing body and other evening meetings through November 30, 2011; and \$1,000.00 per week and the Borough Administrator shall devote 40 hours per week to duties, exclusive of any and all governing body and other evening meetings December 1, 2011 through September 7, 2012 subject to the specific terms as put forth in the employment agreement.

Resolution 2011-218 Waiving Permit Fees for the Harvest Fair

Council President Quattrone moved resolution 2011-218, Councilmember Vanderbeck seconded.

There was discussion.

Roll Call Vote: Council members Gilmartin, McGinty, Quattrone, Vanderbeck, and Woods voted yes; Councilmember Bibens abstained.

Resolution adopted, 5-0, with one abstention.

Resolution 2011-218

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

**WAIVING TEMPORARY FOOD LICENSE PERMIT FEES FOR THE HIGHTSTOWN
HARVEST FAIR**

WHEREAS, Hightstown Borough sponsors an Annual Harvest Fair in October of each year; and
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WHEREAS, it has been requested that the Borough waive the Temporary Food License fees for the participating vendors of this event; and

WHEREAS, all other requirements for the issuance of the Temporary Food Licenses for this event shall remain in effect and required of all vendors; and,

WHEREAS, the Borough Council of Hightstown finds that the fees required for the Temporary Food Licenses shall be waived for this event; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Hightstown, that the Temporary Food License fees for the participating vendors of the Hightstown Borough sponsored Harvest Fair to be held October 1, 2011 shall be waived, but all other requirements associated with the issuance of said license shall be applicable.

Resolution 2011-219 Authorizing Participation in the Mercer County Improvement Authority's (MCIA) Renewable Energy Program

Council President Quattrone moved resolution 2011-219, Councilmember Vanderbeck seconded.

The Borough Clerk explained the process taken to be a part of this program and that it would include the installation of solar panels on the DPW garage with connection to the water plant, reducing our power usage and rates.

Roll Call Vote: Council members Bibens, Gilmartin, McGinty, Quattrone, Vanderbeck, and Woods voted yes.

Resolution adopted, 6-0.

Resolution 2011-219

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

**AUTHORIZING PARTICIPATION IN THE MERCER COUNTY IMPROVEMENT
AUTHORITY'S (MCIA) RENEWABLE ENERGY PROGRAM**

WHEREAS, the Mercer County Improvement Authority ("*MCIA*") has developed a program ("*Program*") to provide, among other things, for financing, design, construction, installation, operation and maintenance of solar and other renewable energy projects ("*Projects*") at facilities owned by the County of Mercer ("*County*") and by municipalities, boards of education and other public bodies and local government entities in the County (collectively, "*Local Units*"), at no net cost to the Local Units; and

WHEREAS, the primary goal of the Program is to expand the use of renewable energy by Local Units at their facilities ("*Local Unit Facilities*"), with its attendant environmental and financial benefits, to reduce energy costs at Local Unit Facilities; and

WHEREAS, the MCIA intends to issue a request for proposals ("*RFP*"), consistent with all applicable law, seeking a solar developer to design, install, construct, operate and maintain, at its sole cost and expense, the Projects at participating Local Units' Facilities, and to provide such Local Units with electricity generated by the Projects located at their Facilities under a Power Purchase Agreement at a price lower than the Local Units are presently paying for electricity, for a term of 15 years (the "*Services*"); and

WHEREAS, the RFP will provide for three proposal options: (1) private financing, where the selected respondent ("*Successful Respondent*") must finance the Projects through its own means; (2) partial public financing, where the MCIA will provide construction and permanent financing for up to 70% of the costs of the Projects through issuance of taxable bonds, and (3) full public financing, where the MCIA will provide 100% of the financing through the issuance of bonds; and

WHEREAS, under the RFP, the MCIA retains the sole discretion to select the option under which any contract may be awarded, and to select the solar developer who will provide the Services in the most complete, dependable and cost effective manner; and

WHEREAS, to implement the Program at no cost to the Local Units, the MCIA has determined that if option 2 or 3 is selected, it will finance the Projects, all as set forth in the exhibits to the Local Unit License Agreement, defined below, for Hightstown Borough and for each of the Local Units to date who will participate in the Program, as follows:

Borough of Hightstown

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Township of Lawrence

Hamilton Township Fire District #9

Borough of Princeton

Township of Ewing

East Windsor Township

Hamilton Township Public Works

East Windsor Regional School District

Hopewell Valley Regional School District

Princeton Regional School District; and

County of Mercer [Mercer County Special Services School District],

(together with any additional Local Units that may be added to the Program by the MCIA, collectively, the “*Participating Local Units*”), through the issuance by the MCIA of one or more series of bonds entitled “County of Mercer Guaranteed Renewable Energy Program Lease Revenue Bonds, Series 2011B (Federally Taxable)” in the aggregate principal amount to be determined upon selection of a Successful Respondent (the “*Bonds*”); and

WHEREAS, prior to the issuance, if any, of the Bonds, and in accordance with the Local Authorities Fiscal Control Law, the MCIA must file an application (the “*LFB Application*”) with, and seek, obtain, and officially recognize the findings from, the Local Finance Board in the Department of Local Government Services of the State Department of Community Affairs (the “*Local Finance Board*”); and

WHEREAS, Hightstown Borough (the “*Participant*”) desires to authorize the MCIA and its consultants to submit an LFB Application on its behalf, if necessary, to finance Participant’s Project(s) set forth in **Exhibit A** attached hereto (it being understood that the Participant is taking no action in connection with the other Participating Local Units’ Projects); and

WHEREAS, the Participant has offered - and the MCIA has accepted – the Local Unit Facility(ies) set forth in **Exhibit A** for inclusion in the Program, and the Participant understands and acknowledges that by taking this official action it intends to participate in the Program with regard to the Project(s) set forth in **Exhibit A**, and that the MCIA is taking several actions in reliance upon inclusion of Participant’s Facility(ies), including proceeding with the issuance of the RFP, selecting a solar developer and establishing a Power Purchase Agreement price under which Participating Local Units will purchase electricity, all pursuant to the RFP, and filing an LFB application, and marketing, selling and issuing the Bonds, if MCIA determines to award under option 2 or 3 of the RFP; and

WHEREAS, the Participant desires to confirm its participation in the Program to permit MCIA to proceed with the issuance of the RFP, and if necessary, to obtain the approval of the Local Finance Board and issue the Bonds,

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

Section 1. The recitals set forth above are hereby incorporated as if set forth at length.

Section 2. Participant believes that its participation in the Program serves the public interest; benefits the health, wealth, convenience or betterment of its citizens, and is an efficient and feasible means of providing electric services to Participant’s Local Facilities.

Section 3. Participant authorizes its Borough Mayor (including their designees in writing, each an “*Authorized Officer*”) to assist the MCIA with the preparation and submission of the LFB Application should the MCIA determine to finance the Program, and to take all other action necessary, desirable, or convenient in connection therewith.

Section 4. The Authorized Officer is directed to deliver to the MCIA a fully executed certificate, substantially in the form attached hereto as **Exhibit A**, evidencing approval of the substance and scope of the Participant’s Project(s).

Section 5. Participant will participate in the Program, acknowledging and understanding that the MCIA is taking several actions, as described in the recitals, in reliance upon Participant's participation, all for the benefit of Participant and other Participating Local Units, and Participant further acknowledges that its continued participation in the Program is critical to the pricing to be obtained from proposers during the RFP process and that any change in the extent of its participation will have a negative impact on other Participating Local Units.

Section 6. Except for extraordinary unforeseen circumstances not presently contemplated, Participant will not withdraw any of its Local Unit Facilities, set forth in Exhibit A, from inclusion in the Program, so long as the Successful Respondent's proposal, if any, results in a savings to Participant, and should Participant elect to withdraw any of its Facilities for reasons other than an extraordinary unforeseen circumstance, Participant will substitute another of its Facilities with comparable energy usage to ensure viability of the Program for all Participating Local Units.

Section 7. On Participant's behalf, the MCIA is authorized to take all actions contemplated above or otherwise reasonably inferred in order to provide Participant with such savings and, if the MCIA determines to finance the Program, prior to the sale of the Bonds Participant shall adopt a supplemental resolution authorizing, among other things, Participant to enter into a Power Purchase Agreement, a Site License Agreement and such other agreements as may be necessary to implement the Program, each to be dated as of the first day of the month of issuance of the Bonds, in such form as shall be presented to the Participant prior to adoption of the supplemental resolution.

Section 8. Participant hereby respectfully requests that the Local Finance Board consider any LFB Application made by MCIA, pursuant to option 2 or 3 of the RFP, as the means to finance Participant's Project(s), and to record its findings and recommendations as provided by law, and Participant agrees that any reference herein to Series 2011B Bonds may, without Participant's further action, be changed to a subsequent year of issuance, if the Bonds are not issued in 2011.

Section 9. Any action taken by Participant's Authorized Officers or consultants in connection with the Program prior to the adoption hereof is hereby ratified and approved.

Section 10. A certified copy of this resolution shall be forwarded to: Philip S. Miller, Executive Director, Mercer County Improvement Authority, McDade Administration Building, 640 South Broad Street, Trenton, New Jersey 08650 at (609) 278-8100.

Section 11. This Resolution shall take effect immediately.

Resolution 2011-220 Authorizing the Purchasing Agent to Receive Bids for Curbside Recycling Services

Council President Quattrone moved resolution 2011-220, Councilmember McGinty seconded.

The Borough Clerk/Purchasing Agent explained the resolution.

Roll Call Vote: Council members Bibens, Gilmartin, McGinty, Quattrone, Vanderbeck, and Woods voted yes.

Resolution adopted, 6-0.

Resolution 2011-220

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

AUTHORIZING RECEIPT OF BIDS FOR CURBSIDE RECYCLING COLLECTION

BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Purchasing Agent is hereby authorized to prepare specifications and advertise for bids Curbside Recycling Collection, and that the Borough is authorized to receive same after proper advertisement.

Discussion ensued regarding resolutions 2011-194 and 2011-195. It was decided that said resolutions would be voted on at this meeting.

Resolution 2011-194 and 2011-195

Councilmember Gilmartin moved resolutions 2011-194 and 2011-195 as a consent agenda, Councilmember Woods seconded.

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There was discussion regarding the verbiage in the resolutions.

Roll Call Vote: Council members Bibens, Gilmartin, McGinty, Quattrone, Vanderbeck, and Woods voted yes.

Resolutions adopted, 6-0.

Resolution 2011-194

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

**AUTHORIZING 2011 DONATION TO RISE
(FORMERLY KNOWN AS THE COMMUNITY ACTION SERVICE CENTER)**

WHEREAS, it is the desire of the Mayor and Council to contribute the sum of \$4,000.00 to Rise for the year 2011, equivalent to the amount contributed during 2010; and

WHEREAS, the New Jersey Department of Human Services has been designated to administer or supervise the administration of social services programs as defined in the New Jersey State plans for social services, and requires the execution of a Donor Agreement between Better Beginnings and the Borough of Hightstown; and

WHEREAS, the Treasurer has certified the availability of funds for this payment;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Donor Agreement is hereby accepted and the Mayor is authorized to execute same.

Resolution 2011-195

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

**AUTHORIZING EXECUTION OF DONOR AGREEMENT
WITH BETTER BEGINNINGS CHILD DEVELOPMENT CENTER**

WHEREAS, it is the desire and intention of the Mayor and Council to contribute \$8,500 during 2011 to the Better Beginnings Child Development Center; and

WHEREAS, the New Jersey Department of Human Services has been designated to administer or supervise the administration of social services programs as defined in the New Jersey State plans for social services, and requires the execution of a Donor Agreement between Better Beginnings and the Borough of Hightstown; and

WHEREAS, the Treasurer has certified that funds for this contribution have been provided in the 2010 budget;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Donor Agreement is hereby accepted and the Mayor is authorized to execute same.

Resolution 2011-221

Councilmember Gilmartin moved resolution 2011-221, Council President Quattrone seconded.

The Chief Finance Officer gave an explanation of the need for this resolution and there was discussion.

Roll Call Vote: Council members Bibens, Gilmartin, McGinty, Quattrone, Vanderbeck, and Woods voted yes.

Resolutions adopted, 6-0.

Resolution 2011-221

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

RESOLUTION OF THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY AUTHORIZING AN EMERGENCY APPROPRIATION PURSUANT TO N.J.S.A. 40A:4-46 TO FUND THE RECONSTRUCTION OF THE DAMAGED MUNICIPAL BUILDING, IMPROVEMENTS TO THE FIRE HOUSE AND THE PUBLIC WORKS BUILDING, IMPROVEMENTS TO THE WATER WASTEWATER TREATMENT PLANT, THE ACQUISITION OF VARIOUS EQUIPMENT AND OPERATING AND PERSONNEL EXPENSES INCURRED IN ORDER TO DEAL WITH THE EMERGENCY AND FURTHER AUTHORIZING THE ISSUANCE OF EMERGENCY NOTES TO FUND SUCH EMERGENCY APPROPRIATION

WHEREAS, an emergency has arisen resulting from significant damage within the Borough caused by Tropical Storm Irene requiring the appropriation of funds of the Borough of Hightstown, in the County of Mercer, New Jersey (the "Borough"), in the amount of \$800,000 to provide for the reconstruction of the damaged Municipal Building, improvements to the Fire House and the Public Works Building, improvements to the Water Wastewater Treatment Plant, the acquisition of various equipment, including, but not limited to, computers, equipment for the Police Department, a 911 system and furnishings and operating and personnel expenses incurred in order to deal with the emergency, including all work and materials necessary therefore and incidental thereto, and further including all related costs and expenditures incidental thereto; and

WHEREAS, adequate provision was not made in the 2011 Budget of the Borough for the aforesaid purposes, and N.J.S.A. 40A:4-46 provides authorization for the undertaking of emergency appropriations for the purposes mentioned above; and

WHEREAS, the total amount of emergency appropriations, including the appropriation to be created by this resolution, is \$800,000, and 3% of the total operating appropriations in the budget for 2011 is \$228,892.89; and

WHEREAS, the foregoing emergency together with prior appropriations exceeds 3% of the total operating appropriations (including utility operation appropriations) in the budget for 2011.

NOW THEREFORE BE IT RESOLVED (by not less than two-thirds of the full membership of the governing body affirmatively concurring) as follows:

1. Pursuant to N.J.S.A. 40A:4-46, an emergency appropriation is hereby made in the amount of \$800,000 for the reconstruction of the damaged Municipal Building, improvements to the Fire House and the Public Works Building, improvements to the Water Wastewater Treatment Plant, the acquisition of equipment, including, but not limited to, computers, equipment for the Police Department, a 911 system and furnishings and operating and personnel expenses incurred in order to deal with the emergency, including all work and materials necessary therefore and incidental thereto, and further including all related costs and expenditures incidental thereto. The \$800,000 appropriated herein is sufficient to fund the emergency improvements.
2. The emergency appropriation set forth in Section 1 hereof shall be provided for in full through a bond ordinance pursuant to N.J.S.A. 40A:2-1 et seq., entitled, "BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$800,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$800,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF", which bond ordinance will be introduced by the Borough on or about October 17, 2011 and will be considered for final adoption by the Borough on or about November 7, 2011.
3. An emergency note not in excess of \$800,000 is hereby authorized to be issued pursuant to N.J.S.A. 40A:4-51.
4. The Borough Council hereby determines that the expenditures authorized in Section 1 hereof will meet a pressing need for public expenditure to protect and promote the public health, safety, morale or welfare of the residents of the Borough
5. The emergency note authorized herein, if issued, shall be executed by the Mayor and the Chief Financial Officer of the Borough and attested by the Borough Clerk.
6. The Chief Financial Officer of the Borough is hereby delegated the authority to sell and award the note, if any, and such notes, if issued, may be renewed from time to time by the Chief Financial Officer provided that any such renewals shall be payable on or before December 31, 2011.

7. Two certified copies of this resolution shall be filed with the Director of the Division of Local Government Services.
8. The statement required by the Local Finance Board has been filed with the Borough Council and a copy transmitted to the Director of the Divisions of Local Government Services.
9. This resolution shall take effect immediately.

Mayor Kirson opened Public Comment Period II and the following individuals spoke:

Gail Doran, 201 Hutchinson Street – commented regarding the Borough Administrator and the condition of Borough Hall

Darek Hahn, 102 Manlove – informed Council that he was working with the Turnpike Authority and the Watershed regarding run-off issues from their construction project.

There being no further comments, the Mayor closed the public comment period.

Americana Diner Lease Discussion

The Mayor opened discussion regarding the property that Americana Diner leases from the Borough; Mr. Constantine Katsifis and his attorney, Mark Shane were present. The Mayor requested that the Planning Board be notified of Council's intent, once it established, so they can move forward as approval for the project has already been received from East Windsor. Mr. Shane commented that if they are going to lease the property, a longer term lease is requested. The Borough Attorney advised that the lease on the property would have to be re-bid unless the property is undersized for development, in which case they can sell or lease the property to an adjoining landowner. The applicant requested permission to move forward at the Planning Board level, fully understanding that it is at their own risk; the Borough Attorney agreed. Council instructed the Clerk to send a memo to the Planning Board asking that they move forward with their discussions on this application.

Upcoming Events Discussion

Darek Hahn advised Council that they were moving forward with the Triathlon, provided water quality is good. He also stated that there are more participants registered this year and that the alternative would be to make it a dualthon if the water quality does not pass testing due to the hurricane and flooding.

Darek Hahn went on to advise Council that the flooding has had no affect on their plans for the bridge, but that they will need dam safety approval to move forward. They are holding a meeting tomorrow to determine if they can still hold the benefit concert in Rocky Brook Park; it is their hope to continue with the event.

Councilmember Selena Bibens, Co-Chair for the Harvest Fair, advised that there would be a meeting tomorrow and the event looks very promising. There will be a mechanical bull and international food court. They are contacting radio stations to advertise the event.

Pat Duncan, the Chairperson for the Parks and Recreation Commission, advised that they have developed a punch list of damages and are holding a meeting tomorrow evening to discuss where to go from here.

Lease of Lucas Property (Mercer Street) Discussion

Councilmember Vanderbeck explained that the Police Department has moved to the Lucas Property on Mercer Street and changes were made to the building to accommodate the department; it is hopeful that they can lease the property from Lucas. There may be an additional 5,000 sq. ft. becoming available and a First Right of Refusal is being discussed. An ordinance would be required to allow a lease, but for now we need a resolution authorizing a sixty day Use and Occupancy Agreement; negotiations can move forward from there. The Borough Attorney has drafted a resolution which was distributed to Council.

Resolution 2011-222 Resolution Authorizing the Borough to Execute a Temporary Use and Occupancy Agreement with Lucas Electric Co., Inc. Regarding a Portion of the Property Known and Designated as Block 61.01, Lots 43, 44 and 45, Commonly Known as 401 Mercer Street, Hightstown, New Jersey

Councilmember Vanderbeck moved resolution 2011-222, Councilmember Bibens seconded.

Roll Call Vote: Council members Bibens, Gilmartin, McGinty, Quattrone, Vanderbeck, and Woods voted yes.

Resolution adopted, 6-0.

Resolution 2011-222

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

RESOLUTION AUTHORIZING THE BOROUGH TO EXECUTE A TEMPORARY USE AND OCCUPANCY AGREEMENT WITH LUCAS ELECTRIC CO., INC., REGARDING A PORTION OF THE PROPERTY KNOWN AND DESIGNATED AS BLOCK 61.01, LOTS 43, 44 & 45, COMMONLY KNOWN AS 401 MERCER STREET, HIGHTSTOWN, NEW JERSEY.

WHEREAS, Matthew Lucas and Suzette Lucas (also referenced as the “Lessors”), are the owners of a certain parcel of real property located at 401 Mercer Street, in the Borough of Hightstown, commonly known and designated as Block 61.01, Lots 43, 44 and 45 on the Borough’s Tax Map (hereinafter referenced as the “Property”); and

WHEREAS, the Borough wishes to temporarily utilize a portion of the Property, measuring approximately 3,200 square feet (hereinafter referenced as the “site”), as depicted on a plan prepared by Jersey Central Power & Light and dated June 6, 2000, a copy of which is annexed hereto as “Exhibit A,” for temporary relocation of the Borough Police Department due to damage caused to the Borough’s municipal building by Hurricane Irene, which has rendered the Police Department offices of the municipal building uninhabitable; and

WHEREAS, the Lessors have available space at the Property to temporarily house the Borough Police Department on an emergent basis and are willing to provide such temporary housing; and

WHEREAS, the Borough is interested in authorizing a lease of the site in accordance with N.J.S.A. 40A:12-1, et seq.; and

WHEREAS, before such lease is finally authorized, the Lessors wish to permit the Borough to temporarily utilize the site for the purposes referenced above; and

WHEREAS, the terms and conditions of this understanding are set forth in a Temporary Use and Occupancy Agreement, a copy of which is attached hereto and made a part hereof.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Mayor and Borough Council of the Borough of Hightstown that the Mayor is hereby authorized to execute and the Borough Clerk to attest the attached Temporary Use and Occupancy Agreement between the Borough of Hightstown and Matthew Lucas and Suzette Lucas regarding the temporary use and occupancy of a portion of the site consisting of 3,200 square feet for a sixty (60) day period of time, measured from the date of full execution of the Agreement, subject to all of the terms and conditions set forth in the said Agreement.

BE IT FURTHER RESOLVED, that a certified copy of the within Resolution shall be provided to each of the following:

1. Matthew Lucas and Suzette Lucas
2. Debra Sopronyi, Borough Clerk
3. Michael Theokas, Borough Administrator
4. Frederick C. Raffetto, Esquire, Borough Attorney
5. Sgt. Frank Gendron, Acting Police Director

Mayor/Council/Administrative Comments

Council President Quattrone – congratulated Michael Theokas on his appointment and thanked Councilmember Vanderbeck for his work with getting the Police Department up and running. He stated that he is working with the Water and Wastewater Plants and that it has been hectic, but they are moving forward and making progress.

Councilmember McGinty – welcomed Mr. Theokas and noted that a careful assessment of Borough Hall should be made before any decisions are made. She noted that there is a meeting with NJDOT tomorrow and that the Timberland culvert should be addressed. Councilmember McGinty requested that code enforcement update and the codification issue be added to the next agenda and advised that Council should take a close look at Police costs.

Councilmember Gilmartin – welcomed and congratulated Michael Theokas on his appointment and stated that the Borough needs to evaluate conditions related to the disaster. She advised that she would like to bring the new Housing Authority Director forward for a formal introduction at a future meeting.

Councilmember Woods – welcomed Mr. Theokas and thanked everyone who worked together after the hurricane. She requested that monthly updates be given to the public regarding litigation matters.

Councilmember Vanderbeck– acknowledged the East Windsor Governing Body for their assistance in getting water to the Borough residents.

Councilmember Bibens – commented that she is thankful for the unity of the staff and community after the disaster, so many came to Hightstown’s aid. She then welcomed Michael Theokas and thanked Councilmember Vanderbeck for his hard work with the relocation of the Police Department.

Mayor Kirson – welcomed Michael Theokas and commented that Hightstown is a great place to live and work, and the unity after this disaster proves it; after one week we are up and running.

Councilmember Vanderbeck moved to adjourn the meeting at 10:55 PM and Councilmember Bibens; the motion was approved unanimously.

Respectfully Submitted,

Debra L. Sopronyi
Borough Clerk