

**Meeting Minutes**  
**Hightstown Borough Council**  
**Regular Meeting**  
**September 18, 2012**

**6:00 pm**

The meeting was called to order by Mayor Kirson at 6:05 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 flag salute followed Roll Call.

	PRESENT	ABSENT
<i>Councilmember Bibens</i>	✓	
<i>Councilmember Bluth</i>	✓	
<i>Councilmember Doran</i>	✓	
<i>Councilmember Quattrone</i>	✓	
<i>Councilmember Thibault</i>	✓	
<i>Councilmember Woods</i>	✓	
<i>Mayor Kirson</i>	✓	

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

**Resolution 2012-224 Authorizing a Meeting Which Excludes the Public**

Council President Quattrone moved resolution 2012-224, Councilmember Woods seconded.

Roll Call Vote: Council members Bibens, Bluth, Doran, Quattrone, Thibault and Woods voted yes.

Resolution adopted, 6-0

Resolution 2012-224

*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 18, 2012 at approximately 6:00 pm in the First Aid Building located on Bank Street, Hightstown that will be limited only to consideration of an item or items with respect to which the public may be excluded pursuant to section 7b of the Open Public Meetings Act.

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

Contract Negotiations – PBA & Shared Services

Personnel – Professional Services

Attorney-Client Privilege – Executive Minutes

Litigation – Sullivan & Thibault

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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 18, 2012 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.

The public meeting was called to order by Mayor Kirson at 7:33 pm and he again read the Open Public Meetings Act statement.

The Flag Salute followed Roll Call.

James LeTellier, Police Director and Carmela Roberts, Borough Engineer joined the meeting at this time.

Mayor Kirson noted that the agenda is being amended to remove the minutes for approval and add resolution 2012-231 which appoints a Crossing Guard.

Council President Quattrone moved the amended agenda for approval, Councilmember Doran seconded.

Roll Call Vote: Council members Bibens, Bluth, Doran, Quattrone, Thibault and Woods voted yes.

Agenda approved as amended.

### **NJDOT Grant Discussion**

Carmela Roberts, Borough Engineer, reviewed the availability of the New Jersey Department trust fund grant and recommended that the Borough apply. She went on to relate that she, and the Public Works Superintendent, have evaluated the roads within the Borough and they both recommend that the application be filed for Park Avenue; application deadline is October 16<sup>th</sup> so she needs to know as soon as possible if the Borough would like her to move forward. There was discussion regarding the amount of the grants and roads in need of repair and/or re-paving.

Councilmember Doran inquired of the Borough Attorney as to whether she should recuse herself from this conversation since she lives on Park Avenue; the Borough Attorney advised that any Councilmember who resides on Park Avenue should recuse themselves from discussion and vote on this matter, and address the Council as members of the public. Council members Doran and Woods stepped down from the dais and sat with the public at this time.

The Borough Engineer recommended that the Borough apply for work to curbs and drainage, as well as re-paving the full length, with possible widening. There was discussion regarding the possibility of adding additional roads. Ms. Roberts noted that while Greeley and Glenbrook are in need of repair, they do not have a regional advantage, reducing the chance of getting the grant; however you can combine all three roads for the grant application or repair Greeley and Glenbrook under the bond previously adopted.

Discussion ensued regarding the County Road Program and the Engineer recommended that the Borough apply for Dutch Neck Road. Under this program the Borough would pay for materials and the County would perform the labor.

Council directed the Engineer to apply for the New Jersey Department trust fund grant and send a letter to the County for Dutch Neck Road; the Borough will budget for the materials in the 2013 budget.

Before departing the meeting, Ms. Roberts addressed Council regarding the elevations at Borough Hall and eligibility for LOMA. She noted that the entire rear section of the building is below the 100 year flood level and therefore the facility is not eligible for LOMA. There was discussion regarding flood maps and flood zones.

Carmela Roberts, Borough Engineer, was excused from the meeting at this time.

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

Phyllis Deal, 305 Stockton Street – commented regarding speeding on Stockton Street; and the Animal Control Officer and where animals are taken. She is concerned with the conditions at the Helmetta facility.

Eugene Sarafin, 628 S. Main Street – noted that he was in Italy and they have a lot of problems, but it is beautiful there; commented regarding wounded Veterans and the Presidential race.

J P Gibbons, 602 N. Main Street - inquired why the public packet was not available, and why Council is approving more bonds; referenced crime reports in the media and stated that a police report should be on the agenda monthly; commented that the Borough Hall garage is not the footprint of the building.

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

**Ordinance 2012-16 First Reading and Introduction** – An Ordinance Amending and Supplementing Section 15-3, Entitled “Fees,” of Chapter 15, “Fire Protection,” of the revised General Ordinances of the Borough of Hightstown, New Jersey”

Councilmember Thibault moved to introduce ordinance 2012-16, Councilmember Bibens seconded.

The Borough Attorney advised that these changes were recommended by the Fire Inspector, they have not been updated for several years. There was discussion as to whether Peddie School is exempt from the fees.

Roll Call Vote: Council members Bibens, Bluth, Doran, Quattrone, Thibault, and Woods voted yes.

Ordinance introduced 6-0; Public Hearing on October 1, 2012.

## **ORDINANCE 2012-16**

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

#### **AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 15-3, ENTITLED “FEES,” OF CHAPTER 15, “FIRE PROTECTION,” OF THE “REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN, NEW JERSEY.”**

**WHEREAS**, pursuant to the recommendation of the Borough’s Fire Inspector, the Mayor and Council of the Borough of Hightstown wish to amend certain provisions contained within Section 15-3 of the Borough Code concerning the fees associated with enforcement of the Uniform Fire Safety Code, as set forth herein.

**NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED**, by the Borough Council of the Borough of Hightstown, in the County of Mercer and State of New Jersey, that Section 15-3, entitled “Fees,” of Chapter 15, “Fire Protection,” of the “Revised General Ordinances of the Borough of Hightstown, New Jersey” is hereby amended and supplemented as follows (additions are shown with underline; deletions are shown with ~~strikeout~~):

### **CHAPTER 15 - FIRE PROTECTION**

#### **Section 15-3**

#### **FEES**

##### **15-3-1 Permits.**

The fees for permits issued by the Bureau of Fire Safety pursuant to the Fire Prevention Code shall be the same as those established by N.J.A.C. 5:70-2.9(c).

##### **15-3-2 Additional Inspections ~~and Permits~~.**

The fees for all other inspections ~~and permits~~ issued by the Bureau of Fire Safety for non-life hazard commercial properties shall be as follows:

- a. ~~Single occupancy under one thousand (1,000) square feet: forty two (\$42.00) dollars.~~

~~b. Single occupancy one thousand one (1,001) to two thousand (2,000) square feet: seventy-two (\$72.00) dollars.~~

~~e. Single occupancy two thousand one (2,001) to three thousand (3,000) square feet: one hundred and two (\$102.00) dollars.~~

~~d. Single occupancy three thousand one (3,001) to four thousand (4,000) square feet: one hundred and thirty-two (\$132.00) dollars.~~

~~e. An additional twenty-four (\$24.00) dollars for each five thousand (5,000) square feet to a maximum fee of four hundred and fifty (\$450.00) dollars.~~

	<u>Occupancy</u>	<u>Size of Area</u>	<u>Fee</u>
a.	Single occupant	0 - 1,000 sq. ft.	\$52.00 per floor
b.	Single occupant	1,001 – 2,000 sq. ft.	\$82.00 per floor
c.	Single occupant	2,001 – 3,000 sq. ft.	\$117.00 per floor
d.	Single occupant	3,001 – 4,000 sq. ft.	\$182.00 per floor
e.	Single occupant	4,001 – 7,500 sq. ft.	\$232.00 per floor
f.	Single occupant	7,501 – 10,000 sq. ft.	\$332.00 per floor
g.	Single occupant	Over 10,000 sq. ft.	\$432.00 per floor

For purposes of this Subsection, the term “single occupant” shall be construed to mean each individual unit or use in a retail center or strip mall, or each individual unit or use in any other type of commercial building. The term shall apply to building owners and tenants of all businesses or professions which occupy a commercial building, structure or premises, it being the intent that it is the responsibility of each business within a building to register and have its premises inspected. Each business includes any corporation, partnership or any other form of business entity.

h. Common Areas. In multiple-family units (such as apartment buildings and condominiums), the common areas shall be inspected as often as necessary to enforce the Fire Safety Code at a fee of \$75.00 per building.

i. Waivers. The following users shall be exempt from local permit and registration fees; however, they shall be required to properly apply for such permits and registration and comply with all other code requirements:

1. Hightstown Fire Company No. 1.
2. Hightstown First Aid Squad.
3. Hightstown Municipal Building/Court.
4. Hightstown Department of Public Works and Public Works Garages.

5. Hightstown Police Department.

6. Places of Worship.

**BE IT FURTHER ORDAINED**, that all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

**BE IT FURTHER ORDAINED**, that, 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 that portion of the Ordinance actually adjudged to be invalid, and the remaining portions of this Ordinance shall be deemed severable therefrom and shall not be affected.

**BE IT FURTHER ORDAINED**, that this Ordinance shall take effect on upon final passage and publication in accordance with the law.

Mayor Kirson explained that the original adoption of Ordinances 2012-13 and 2012-14 was not advertised due to an e-mail glitch so the public hearing and adoption must be re-visited.

**Ordinance 2012-13 Final Reading and Public Hearing** – Bond Ordinance Providing for Various Capital Improvements of the Borough of Hightstown, in the County of Mercer, New Jersey, Appropriating the Aggregate Amount of \$262,000 Therefor and Authorizing the Issuance of \$249,500 Bonds or Notes of the Borough to Finance Part of the Cost Thereof

Mayor Kirson opened the public hearing on ordinance 2012-13 and the following individuals spoke:

Eugene Sarafin, 628 S. Main Street – commented that he is impressed with how the bonds are monitored in Hightstown and he supports this bond.

J P Gibbons, 602 N. Main Street – objected to the adoption of this bond because he does not know what it covers.

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

Councilmember Woods moved to adopt ordinance 2012-13, Council President Quattrone seconded.

Roll Call Vote: Council members Bibens, Bluth, Doran, Quattrone, Thibault, and Woods voted yes.

Ordinance adopted 6-0.

#### **ORDINANCE 2012-13**

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

#### **BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$262,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$249,500 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 several improvements described in Section 3 of this bond ordinance are hereby respectively authorized to be undertaken by the Borough of Hightstown, in the County of Mercer, New Jersey (the "Borough") as general improvements. For the several improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$262,000, including the aggregate sum of \$12,500 as the several down payments for the improvements or purposes required by the Local September 18, 2012

Bond Law. The down payments have been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments, negotiable bonds are hereby authorized to be issued in the principal amount of \$249,500 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. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

<u>Purpose</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
a) The acquisition of a copier, including all related costs and expenditures incidental thereto.	\$20,000	\$19,045	15 years
b) The acquisition and installation of Time and Attendance Software/Hardware, including all related costs and expenditures incidental thereto and further including all work and materials necessary therefor and incidental thereto.	\$20,000	\$19,045	15 years
c) The acquisition of Mobil Vision Cameras and Radios for the Police Department, including all related costs and expenditures incidental thereto.	\$22,000	\$20,950	10 years
d) Milling and paving of roads, all as set forth on a list on file in the Office of the Clerk, including all work and materials necessary therefor and incidental thereto.	\$200,000	\$190,460	10 years
<b>TOTALS</b>	<b>\$262,000</b>	<b>\$249,500</b>	

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the down payment for each purpose.

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 note shall mature later than one year from its date. The 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 notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the 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 notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the 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 ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital budget, the adopted capital budget shall prevail.

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 purposes described in Section 3 of this bond ordinance are not current expenses. They are all improvements that the Borough may lawfully undertake as general improvements, and no part of the costs thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 10.76 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 \$249,500, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$42,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated costs indicated herein for the purposes or improvements.

Section 7. The Borough hereby declares the intent of the Borough to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 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 purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

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

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

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

**Ordinance 2012-14 Final Reading and Public Hearing** – Bond Ordinance Providing for Various Water Sewer Improvements in and by the Borough of Hightstown, in the County of Mercer, New Jersey, Appropriating \$132,000 Therefor and Authorizing the Issuance of \$122,000 Bonds or Notes of the Borough for Financing the Cost Thereof

Mayor Kirson opened the public hearing on ordinance 2012-14 and the following individuals spoke:

Eugene Sarafin, 628 S. Main Street – noted that he is present.

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

Council President Quattrone moved to adopt ordinance 2012-14, Councilmember Bibens seconded.

Roll Call Vote: Council members Bibens, Bluth, Doran, Quattrone, Thibault, and Woods voted yes.

Ordinance adopted 6-0.

**ORDINANCE 2012-14**

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

**BOND ORDINANCE PROVIDING FOR VARIOUS WATER-SEWER  
IMPROVEMENTS IN AND BY THE BOROUGH OF HIGHTSTOWN, IN THE  
COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$132,000  
THEREFOR AND AUTHORIZING THE ISSUANCE OF \$122,000 BONDS OR  
NOTES OF THE BOROUGH FOR FINANCING 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 improvements described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Borough of Hightstown, in the County of Mercer, New Jersey (the "Borough"). For the improvements or purposes described in Section 3, there is hereby appropriated the sum of \$132,000. Although, no down payments are required as the purposes authorized herein are deemed self-liquidating and the obligations authorized herein are deductible from the gross debt of the Borough, as more fully explained in Section 6(e) of this bond ordinance, an aggregate amount of \$10,000 is nevertheless provided. The down payments have been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvements or purposes not covered by application of the down payments, negotiable bonds are hereby authorized to be issued in the principal amount of \$122,000 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. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

<u>Purpose</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
a) Roof replacement, including all work and materials necessary therefor and incidental thereto.	\$30,000	\$27,000	15 years
b) Mitigation water plant improvements, including all work and materials necessary therefor and incidental thereto.	\$102,000	\$95,000	15 years

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<u>Purpose</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
TOTALS	<u>\$132,000</u>	<u>\$122,000</u>	

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the down payment for each purpose.

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 note shall mature later than one year from its date. The 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 notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the 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 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 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 improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are improvements or purposes that the Borough may lawfully undertake as self-liquidating purposes of a municipal public utility. No part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.
- (b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 15 years.
- (c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$122,000, 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 that Law.
- (d) An aggregate amount not exceeding \$12,000 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 purposes or improvements.
- (e) This bond ordinance authorizes obligations of the Borough solely for purposes described in N.J.S.A. 40A:2-7(h). The obligations authorized herein are to be issued for a purpose that is deemed to be self-liquidating pursuant to N.J.S.A. 40A:2-47(a) and are deductible from gross debt pursuant to N.J.S.A. 40A:2-44(c).

Section 7. The Borough hereby declares the intent of the Borough to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the

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purposes described in Section 3 of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

Section 8. Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements 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.

**2012-15 Final Reading and Public Hearing** – Bond Ordinance Providing for the Acquisition and Installation of Equipment in and by the Borough of Hightstown, in the County of Mercer, New Jersey, Appropriating \$35,000 Therefor and Authorizing the Issuance of \$33,300 Bonds or Notes of the Borough of Hightstown to Finance Part of the Cost Thereof

Mayor Kirson opened the Public Hearing on ordinance 2012-15 and the following individuals spoke:

Eugene Sarafin, 628 S. Main Street – noted that he is present.

J P Gibbons, 602 N. Main Street – commented that he likes the concept but commitments of participating in the program should be detailed and known by Council.

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

Council President Quattrone moved to adopt ordinance 2012-15, Councilmember Bibens seconded.

Roll Call Vote: Council members Bibens, Bluth, Doran, Quattrone, Thibault, and Woods voted yes.

Ordinance adopted 6-0.

Ordinance 2012-15

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

**BOND ORDINANCE PROVIDING FOR THE ACQUISITION AND  
INSTALLATION OF EQUIPMENT IN AND BY THE BOROUGH OF  
HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY,  
APPROPRIATING \$35,000 THEREFOR AND AUTHORIZING THE ISSUANCE  
OF \$33,300 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF  
THE COST THEREOF.**

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

The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Borough of  
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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 \$35,000, including the sum of \$1,700 as the down payment required by the Local Bond Law. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

In order to finance the cost of the improvement or purpose not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$33,300 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

(a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is the acquisition and installation of an antenna for First Aid Dispatch and communication equipment for the Fire Department, including all work and materials necessary therefor and incidental thereto and further including all related costs and expenditures incidental thereto.

(b) The estimated maximum amount of bonds or 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.

All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The 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 notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the 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 notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the 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 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 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 \$33,300, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$3,000 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 the bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use 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 §1.150-2 or any successor provisions of federal income tax law.

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 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.

#### **Resolution 2012-225 Payment of Bills**

Councilmember Bibens confirmed that there were no bills for the Harvest Fair on the bills list.

Councilmember Bibens moved Resolution 2012-225, Council President Quattrone seconded.

Roll Call Vote: Council members Bibens, Bluth, Doran, Quattrone, Thibault and Woods voted yes.

Resolution adopted 6-0.

Resolution 2012-225

*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, appropriate Department Head and the Treasurer in the amount of \$ 63750.90 from the following accounts

Current	\$	20,107.54
W/S Operating		20,463.16
General Capital		
Water/Sewer Capital		14,746.38
Grant		3,785.00
Trust		416.42

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Housing Trust	577.50
Animal Control	
Law Enforcement Trust	
Housing Rehab Loans	-
Unemployment Trust	-
Escrow	3,654.90
Federal Forfeiture	
	<hr/>
Total	<u><u>\$ 63,750.90</u></u>

**Resolution 2012-226 Appointing a Deputy Court Administrator – Sonia K. Salinas**

Councilmember Woods moved Resolution 2012-226, Councilmember Bluth seconded.

There was discussion regarding cell phone reimbursements, benefits and the actual cost of an employee.

Roll Call Vote: Council members Bibens, Bluth, Doran, Quattrone, Thibault and Woods voted yes.

Resolution adopted 6-0.

Resolution 2012-226

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

**APPOINTING A DEPUTY MUNICIPAL COURT ADMINISTRATOR – SONIA K. SALINAS**

**WHEREAS**, due to the resignation of Linda Mann there is a need for Hightstown Borough to appoint a Deputy Municipal Court Administrator; and

**WHEREAS**, the Borough Administrator, Judge, Borough Clerk and Court Administrator have recommended that Sonia K. Salinas be appointed to this position; and,

**WHEREAS**, Sonia K. Salinas shall receive a salary of \$35,000.00 to perform the duties and assume the responsibilities of the position Deputy Municipal Court Administrator and,

**WHEREAS**, Sonia K. Salinas shall also receive an annual cell phone reimbursement of \$120.00 for use of her personal cell phone for Borough business; and

**WHEREAS**, said salary and reimbursement shall be pro-rated to coincide with the start of this position on September 24, 2012.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Borough Council of the Borough of Hightstown that Sonia K. Salinas is hereby appointed as Deputy Municipal Court Administrator for the Borough of Hightstown effective September 24, 2012 at the rates as stipulated above.

**Resolution 2012-227 Authorizing the Borough of Hightstown to Enter into an Agreement with Ken Pacera for the Completion of a Municipal-Wide Re-Assessment of all Real Properties Within the Borough**

Council President Quattrone moved Resolution 2012-227, Councilmember Doran seconded.  
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Mayor Kirson explained that the Assessor, Ken Pacera, applied to the State and County to perform a re-assessment of Borough properties to save the \$60,000 to \$100,000 fee which would have been charged by an outside firm to perform the re-assessment. Approval has been received from the State and County. He went on to note that Hightstown is suffering due to all the appeals being filed and this re-assessment will bring properties back in line so everyone is pays their fair share of taxes. Councilmember Doran remarked that this agreement gives Hightstown the ability to budget properly and will expedite the re-assessment process.

Roll Call Vote: Council members Bibens, Bluth, Doran, Quattrone, and Woods voted yes; Councilmember Thibault voted no.

Resolution adopted 5-1.

Resolution 2012-227

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

**RESOLUTION AUTHORIZING THE BOROUGH OF HIGHTSTOWN TO ENTER INTO AN  
AGREEMENT WITH KENNETH PACERA FOR THE COMPLETION OF A MUNICIPAL-WIDE RE-  
ASSESSMENT OF ALL REAL PROPERTIES LOCATED WITHIN THE BOROUGH**

**WHEREAS**, Kenneth Pacera (also referenced as “Pacera”) currently holds the position of Tax Assessor for the Borough of Hightstown (also referenced as the “Borough”), pursuant to N.J.S.A. 40A:9-146, et seq., N.J.S.A. 54:1-35.25, et seq., and Sections 2-3.1 and 2-14.4 of the Hightstown Borough Code; and

**WHEREAS**, the appointment, term, tenure, rights, responsibilities, powers and duties associated with said position are as specified in the afore-mentioned state statutes and Borough Code sections; and

**WHEREAS**, the Borough wishes to undertake a municipal-wide re-assessment (the “re-assessment”) of all real properties located within the Borough, with a value date as of October 1, 2012, to be effective as of January 1, 2013; and

**WHEREAS**, though the Tax Assessor typically oversees the completion of a re-assessment, the actual performance of a re-assessment is not one of the statutory responsibilities/duties of the Tax Assessor; and

**WHEREAS**, the performance of a re-assessment is typically undertaken through a contract with an outside agent that is approved by the New Jersey Division of Taxation and the County Board of Taxation; and

**WHEREAS**, Pacera has offered to perform the re-assessment for the Borough so that the Borough will not be required to contract with such an outside agent; and

**WHEREAS**, Pacera is already familiar with the real properties located within, and the market conditions affecting, the Borough, which knowledge will be an asset in terms of the expediency associated with completing the re-assessment so that it may be effective by the desired date referenced above; and

**WHEREAS**, in consideration for the additional work that Pacera will undertake in order to complete the re-assessment, the Borough has agreed to provide Pacera with an increase in salary commencing in 2013; and

**WHEREAS**, the terms and conditions associated with this understanding are set forth in the attached Agreement, which is incorporated herein by reference.

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

1. That the Borough Council hereby authorizes the Mayor to execute and the Borough Clerk to attest the attached Agreement (or one which is substantially similar thereto and meets with the approval of the Borough Attorney) between the Borough and Kenneth Pacera regarding the re-assessment work referenced above.

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2. That all Borough officials are hereby authorized to undertake any and all actions that are necessary in order to effectuate the intentions of the within Resolution.
3. That a certified copy of this Resolution shall be provided to each of the following:
  - a. Kenneth Pacera, Tax Assessor;
  - b. New Jersey Division of Taxation;
  - c. Mercer County Board of Taxation;
  - d. Michael Theokas, Borough Administrator;
  - e. George Lang, Chief Financial Officer;
  - f. Frederick C. Raffetto, Esq., Borough Attorney.

**Resolution 2012-228 Re-Appointing the Municipal Clerk**

Councilmember Bibens moved Resolution 2012-228, Council President Quattrone seconded.

Mayor Kirson explained that the Borough Clerk is up for re-appointment and the Borough Attorney noted that statutorily the Clerk achieves tenure with this appointment.

Roll Call Vote: Council members Bibens, Bluth, Doran, Quattrone, Thibault and Woods voted yes.

Resolution adopted 6-0.

Resolution 2012-228

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

**RE-APPOINTING THE MUNICIPAL CLERK**

**WHEREAS**, N.J.S.A. 40A:9-133 provides that, in every municipality, there shall be a municipal clerk appointed for a three-year term by the governing body of the municipality; and

**WHEREAS**, the Mayor and Council appointed Debra L. Sopronyi of Jackson, New Jersey as Municipal Clerk, effective October 13, 2009; and

**WHEREAS**, Ms. Sopronyi is certified by the State of New Jersey as a Registered Municipal Clerk; and

**WHEREAS**, the Mayor and Council wish to re-appoint Debra L. Sopronyi as the Municipal Clerk for Hightstown Borough.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that Debra L. Sopronyi of Jackson, New Jersey is hereby re-appointed as Municipal Clerk for the Borough of Hightstown for a three-year term effective October 13, 2012; and

**Resolution 2012-229 Referring a Proposed Capital Project Involving the Location and Construction of a New Borough Hall to the Planning Board**

Councilmember Woods moved Resolution 2012-229, Councilmember Thibault seconded.

Councilmember Doran commented that the front of the building is not uninhabitable but the Engineer, Insurance and FEMA say the building is all one structure.

The Borough Attorney recommended that part of paragraph two be stricken from the resolution and “for cost and other considerations” be inserted in paragraph eight. He also noted that “restore and” should be added in two places. He can re-write the resolution if adopted with these revisions.

Councilmember Doran commented that she thinks this resolution gives good direction to the Planning Board; the Planning Board would like details on Council’s decision and she thinks this resolution does that. The intent is to give the Planning Board information as this project develops, not as a result at the end.

Mr. Raffetto, Borough Attorney, advised that he has spoken with the Planner and Planning Board Attorney regarding this resolution and the Planning Board is requesting additional time (60 – 90 days) to perform a thoughtful review. He went on to note that this resolution directs the Clerk to provide the Planning Board with the documentation that Council used in their decision making process.

There was discussion regarding the Planning Board request for additional time to review the project. Councilmember Doran noted that she objects because the Planning Board has been aware that this was coming and it must proceed timely. Councilmember Thibault agreed and noted that the Council is not changing the use of the property so additional time should not be necessary. Council agreed that additional time would not be allotted to the Planning Board for their review.

Roll Call Vote: Council members Bibens, Bluth, Doran, Thibault, and Woods voted yes; Council President Quattrone voted no.

Resolution adopted 5-1.

Resolution 2012-229

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

**RESOLUTION REFERRING A PROPOSED CAPITAL PROJECT INVOLVING THE LOCATION AND  
CONSTRUCTION OF A NEW BOROUGH HALL TO THE PLANNING BOARD**

**WHEREAS**, the municipal offices of the Borough of Hightstown (the “Borough”), including the Borough’s Municipal Court, were previously situated for many years at that certain Borough-owned property located at 148 North Main Street, more commonly known and designated as Block 30, Lots 10, 11 and 12 on the Hightstown Borough Tax Map (the “property”); and

**WHEREAS**, the property suffered a significant amount of flooding and damage as a result of Hurricane Irene (the “Hurricane”), which occurred in August of 2011; and

**WHEREAS**, since the Hurricane, the Borough has been forced to temporarily relocate all of its public functions, including the Police Department, the Municipal Court, the Department of Public Works and the administrative offices (collectively, the “municipal operations”), from the property to other locations; and

**WHEREAS**, during the time period from the Hurricane to the present, the Borough has been dealing with its insurance carriers and the Federal Emergency Management Agency (“FEMA”) concerning the potential restoration of the property and/or the payment of compensation to the Borough for the losses sustained as a result of the Hurricane; and

**WHEREAS**, during this time, the Hightstown Borough Governing Body has conducted numerous public meetings in an attempt to carefully consider the various options that are available to the Borough as to the location of a permanent home for the Borough’s municipal offices, in the wake of the Hurricane; and

**WHEREAS**, those considerations have included re-use of the original site for some or all of the municipal operations,

as well as various other alternatives concerning sites located elsewhere within the Borough; and

**WHEREAS**, the Governing Body has, on two prior occasions (June 4, 2012 and July 2, 2012), taken a vote in public concerning this issue, and on both occasions, a majority of the Borough Council supported the notion that the “Hightstown Borough Hall is best located in the central part of town rather than the outskirts” (see Resolutions 2012-153 and 2012-184); and

**WHEREAS**, after further careful consideration, the Hightstown Borough Governing Body believes that it is in the best interests of the Borough, for cost and other considerations, to undertake a municipal capital project (the “capital project”) to re-use the property for some or all of the municipal operations of the Borough; specifically, the Hightstown Borough Governing Body wishes to re-use the property for, at a minimum, the administrative offices and Police Department of the Borough, which facilities would be located in the same general area as that where the former Borough Hall was located, with the option to also include the Department of Public Works and/or the Municipal Court at that same location, subject to the needs of, and the further determinations made by, the Borough; and

**WHEREAS**, the New Jersey Municipal Land Use Law, at N.J.S.A. 40:55D-31, provides that, whenever the Planning Board shall have adopted any portion of the Master Plan, the Governing Body, before taking action necessitating the expenditure of any public funds, incidental to the location, character or extent of such project, shall refer the action involving such specific project to the Planning Board for review and recommendation in conjunction with such Master Plan, and shall not act thereon, without such recommendation or until 45 days have elapsed after such reference without receiving such recommendation; and

**WHEREAS**, the Hightstown Borough Governing Body wishes to refer this capital project to the Borough’s Planning Board, pursuant to N.J.S.A. 40:55D-31, for review and recommendation in conjunction with the Borough’s Master Plan.

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

1. That the Borough Council hereby refers the above-referenced capital project to the Planning Board, pursuant to N.J.S.A. 40:55D-31, for review and recommendation in conjunction with the Borough’s Master Plan.

2. That the Planning Board shall have a period of 45 days, pursuant to N.J.S.A. 40:55D-31, unless that time period is extended by consent of the Governing Body, to perform this review and to provide its recommendations thereon to the Governing Body.

3. That the Municipal Clerk is hereby authorized and directed to provide the Planning Board with a complete copy of the file of documents that the Governing Body has considered and/or relied upon in determining to pursue this capital project at the property, including copies of any and all reports, charts, analyses, meeting minutes, etc., so as to assist the Planning Board in understanding the rationale for the Governing Body’s determination in this regard.

4. That a certified copy of this Resolution shall be provided to each of the following:

- a. Hightstown Borough Planning Board;
- b. Gary Rosensweig, Esq., Planning Board Attorney;
- c. Tamara Lee, P.P., Borough Planner;
- d. Carmela Roberts, P.E., Borough Engineer;
- e. Michael Theokas, Borough Administrator;
- f. Frederick C. Raffetto, Esq., Borough Attorney;

**Resolution 2012-230 Authorizing the Issuance of an Auction License – Empire Antiques**

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Councilmember Bibens moved Resolution 2012-230, Councilmember Bluth seconded.

Roll Call Vote: Council members Bibens, Bluth, Doran, Quattrone, Thibault, and Woods voted yes.

Resolution adopted 6-0.

Resolution 2012-230

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

**AUTHORIZING THE ISSUANCE OF AN AUCTION LICENSE – EMPIRE ANTIQUES**

**WHEREAS**, an application for a license to hold an auction on Saturday, October 27, 2012 at 278 Monmouth Street in the Borough of Hightstown has been submitted by Empire Antiques, together with the required fee; and

**WHEREAS**, the application has been reviewed and approved by the Police Director; and

**WHEREAS**, it is the desire of the Mayor and Council that the license be issued to Empire Antiques for this event.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the Borough Clerk is hereby authorized to issue a license to Empire Antiques for their auction to be held on Saturday, October 27, 2012 at 278 Monmouth Street.

**Resolution 2012-231 Appointing a Crossing Guard**

Councilmember Bibens moved Resolution 2012-231, Councilmember Bluth seconded.

Police Director LeTellier gave a brief explanation of the resolution.

Roll Call Vote: Council members Bibens, Bluth, Doran, Quattrone, Thibault, and Woods voted yes.

Resolution adopted 6-0.

Resolution 2012-231

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

**APPOINTING A CROSSING GUARD**

**WHEREAS**, the Police Director has requested the appointment of a additional School Crossing Guard; and

**WHEREAS**, the Police Director finds that Donna Reed meets all of the necessary requirements; and

**WHEREAS** it is the desire of the Mayor and Council to make said appointment; and

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that Donna Reed is hereby appointed as School Crossing Guard for the Borough of Hightstown.

**BE IT FURTHER RESOLVED** that a certified copy of this resolution shall be forwarded to the Police Director.

**Hurricane Irene Update**

Mayor Kirson advised that there was a meeting with the insurance company today and the Borough Administrator,

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Councilmember Woods, Council President Quattrone, Architect Rick Perez, and George Chin, Construction Official were present.

Councilmember Woods commented that the insurance is not giving the Borough an amount, we will work with them and submit for reimbursement as the project progresses; it includes code upgrades.

Mayor Kirson noted that the cost estimate to demolish and re-build above the flood plain is \$3M - \$3.7M, with a \$500,000 deductible; this brings the building up to code and anything over and above this Hightstown will have to pay for. This discussion has been going on for many months and things changed as the policy was evaluated; the maximum exposure to the Borough for a new building is \$500,000, for which a claim would be filed with FEMA. A letter from the Engineer is needed regarding the flood zone and elevations.

He went on to note that this project is estimated to take about three years and the insurance is responsible for the temporary housing of staff. There was discussion with the insurance regarding the re-positioning of Administration staff to different temporary quarters.

Councilmember Woods noted that the amounts given are for re-building, not re-using the existing facility. Also, if the Borough comes to them with a number, they will negotiate with the Borough.

There was discussion regarding getting written confirmation of what was discussed at the insurance meeting; an insurance representative coming to a public meeting and addressing the public; FEMA claims; code deficiencies and other arguments that affect the insurance claim.

#### **Meeting Schedule**

Mr. Theokas referred to an e-mail he sent to Council on September 6<sup>th</sup> regarding the November 19<sup>th</sup> meeting. He noted that the League is the week between the November 5<sup>th</sup> and November 19<sup>th</sup> meetings and Staff and Council alike will be attending. It will be difficult to produce a full meeting for November 19<sup>th</sup> and he suggested making the meeting on the 19<sup>th</sup> a workshop meeting for Borough Hall with minimal other business being conducted; we will load the November 5<sup>th</sup> meeting with as much business as possible.

#### **Taxi Stands**

Councilmember Thibault commented that the cost for the taxi stands was paid for by the taxpayers. He noted that the Borough requires parking permits at a cost of \$75.00 for businesses and residents and that the Borough should make the taxis pay for the right to use the taxi stands.

There was discussion regarding the fact that the taxi stands were established for the convenience of the Borough and public. Police director LeTellier noted that the taxi stands were established to allow taxis to wait for fares at convenient safe locations. We are still licensing taxis and the process takes time; he suggested that Council give it some time to see how it works out and if necessary it can be addressed in the future. The Police are in the process of compiling a list of gypsy cabs, with the assistance of the licensed taxis. He is hopeful that by the end of the month all legal cabs will be licensed.

There was further discussion and the Mayor took a straw vote on whether Council would like to address charging the taxis for the use of taxi stands. The straw vote indicated that Council is not interested in entertaining a revision to the taxi ordinance for this matter.

The Mayor opened the public comment period II and the following individuals spoke:

Eugene Sarafin, 6238 S. Main Street – noted that the Borough is still negotiating with the insurance; why put Borough Hall and the Police Department back into a flood zone where they are not accessible in an emergency; do not build in the flood zone, do what makes sense.

Fran Palumbo, 101 Main Street – commented that NJDOT chose to put two drains near the Memorial parking lot and the area is now flooding; Main Street was closed and NJDOT said they would not close Main Street during the construction of the new

bridge; she called the police both nights and they would not do anything about the matter; NJDOT should be responsible to the Borough; the gate is still down by the lake; why not get flood insurance; where is the accountability for these items?

Janet and Theodore Orozco, 424 Stockton Street (Owner of Michael's Transport) – stated that they own a bus transport business which provides service to Hightstown, transporting people to their jobs during the week; and they would like to work with Hightstown to provide service to Walmart and other local stores. They are fully licensed by the State.

Mayor Kirson asked them to speak with the Borough Administrator on the matter.

J P Gibbons, 602 N. Main Street – commented that Council is the Governing Body and the Planning Board members have attended their meetings; why is there a dental banner on the waterfall; re-assessment is a good idea, but at what cost; the Borough should hire an insurance consultant for their claim; crossing guards in East Windsor are paid by the Board of Education, who pays for the Hightstown Officer stationed at the High School; reserved parking permits are just that, taxi stands are for public convenience; what happened to the town hall meetings that were supposed to be held so questions could be answered?

Scott Caster, 12 Clover Lane – commented that the school crossing guard subject is about much more than just that and it is time now to look at this for the 2013 budget, there is money out there that could save the taxpayers; Council members Thibault and Bluth have town hall meetings at the library.

Gerry Riccardi, JCP&L Representative – re-introduced himself to Council and noted that if they have any questions or concerns they can reach out to him.

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

#### **Mayor/Council/Administrative Comments and Committee Reports**

**Councilmember Bibens** – reminded everyone that the Harvest Fair is on October 6<sup>th</sup> and the Triathlon is this weekend; NJDOT has been approached about the issues presented; taxi stands are being used.

**Councilmember Thibault** – commented that Council needs to start budget discussions at the next meeting; inquired of the Attorney whether the Water/Sewer meetings are public meetings.

The Borough Attorney reviewed the requirements for a public meeting and noted that the Water/Sewer meeting is a Department Head meeting, not open to the public.

**Councilmember Thibault** – gave kudos to the Water Department for re-fluoridating the water supply.

**Council President Quattrone** – attended the Main Street Program meeting and was sorry more people did not attend; the insurance meeting today went great and he was impressed, he noted that the Borough Administrator set up the meeting.

**Councilmember Doran** – stated that the cost for the re-assessment is a \$4,000.00 raise for the Assessor in 2013.

**Mayor Kirson** – noted that the Borough is insured through the Joint Insurance Fund and that Hurricane Irene damages are being considered a state-wide loss, not individual claims. He then wished the Borough Attorney a Happy Birthday.

Council President Quattrone moved to adjourn at 10:24 pm, Councilmember Doran seconded. All ayes.

Respectfully Submitted,

Debra L. Sopronyi, RMC  
Borough Clerk