

Meeting Minutes
Hightstown Borough Council
Regular Meeting
February 6, 2012
6:30 pm

The meeting was called to order by Mayor Kirson at 6:35 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 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 2012-44

Council President Quattrone moved resolution 2012-44, Councilmember Bibens seconded.

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

Resolutions adopted, 6-0

Resolution 2012-44

BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY

AUTHORIZING A MEETING WHICH EXCLUDES THE PUBLIC

BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that this body will hold a meeting on February 6, 2012 at approximately 6:30 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:

Personnel – Police Director

Litigation –Minute Maid

Stated as precisely as presently possible the following is the time when and the circumstances under which the discussion conducted at said meeting can be disclosed to the public May 6, 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 7:31 pm and he again read the Open Public Meetings Act statement.

The Flag Salute was followed by roll call which has remained the same. George Lang, CFO; Carmela Roberts, Borough Engineer; and Tamara Lee, Borough Planner joined the meeting at this time.

Council President Quattrone moved the agenda for approval with the amendment that the executive session minutes of January 17, 2012 be pulled, Councilmember Doran seconded.

Mayor Kirson called for a roll call vote on the amended agenda.

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

Agenda approved as amended, 6-0

Councilmember Woods moved the minutes of November 7, 2011 Open and Executive Sessions, Councilmember Bibens seconded. The Mayor called for a roll call vote for the approval of the minutes.

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

Minutes approved with 3-0 vote with 3 abstentions.

Council President Quattrone moved the minutes of November 21, 2011 Executive Sessions, Councilmember Woods seconded. The Mayor called for a roll call vote for the approval of the minutes.

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

Minutes approved with 4-0 vote with 2 abstentions.

Council President Quattrone moved the minutes of November 28, 2011 Open and Executive Sessions, Councilmember Doran seconded. The Mayor called for a roll call vote for the approval of the minutes.

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

Minutes approved with 4-0 vote with 2 abstentions.

Councilmember Woods moved the minutes of January 17, 2012 Open Session, Councilmember Bibens seconded. The Mayor called for a roll call vote for the approval of the minutes.

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

Minutes approved with 6-0 vote.

Affordable Housing Spending Plan

Tamara Lee, the Borough Planner, addressed Council explaining that the State is set to take control of all Affordable Housing Funds that are not committed by the municipality, with a target date of July 1, 2012. Hightstown Borough has approximately \$400,000.00, plus another \$175,000.00 in RCA funds. In an effort to assure that the funds are used by Hightstown Borough, and not taken over by the State to be used in other municipalities, a re-examination of the plan is necessary; in 2008 the Borough's plan was challenged by Minute Maid, thus causing a delay in the review until the suit was resolved.

She then explained the plan and the process for the review and expenditure of funds. Her recommendation at this time is to amend the spending plan now for approval, to get the funds committed and the spending plan submitted; the state is currently accepting revised spending plans for expedited review.

A draft plan was distributed to Council and there was discussion regarding the annual monitoring reports, bonding obligations of the Borough, contracting and agreements, and the process and timeline for approval. Mayor Kirson noted that Tamara Lee will be making a presentation to the Planning Board at their meeting next week, and invited the Council and Public to attend the meeting. It was suggested that the Planning Board be approached to hold a joint Planning Board/Borough Council meeting on the matter.

Engineers Consent Agenda: Resolutions 2012-45, 2012-46, 2012-47, 2012-48, 2012-49, 2012-50 and 2012-51

Councilmember Woods moved to approve resolutions 2012-45, 2012-46, 2012-47, 2012-48, 2012-49, 2012-50 and 2012-51, Council President Quattrone seconded.

There was discussion as to whether any of these costs should be covered by FEMA or the insurance due to Hurricane Irene and the Engineer explained that none of the planned projects had been affected by the hurricane. Discussion continued as to how this would affect the rates paid by the residents for water and/or sewer and George Lang, the CFO, explained that the cost projection is that the sludge rotary press and energy savings gained from installing the new equipment should offset the cost. The Mayor noted that it may even benefit the rate payer in the long term. There was additional discussion regarding the water/sewer rates and Councilmember Thibault suggested that a financial analysis of running the two utility plants should be performed.

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

Resolutions adopted, 5-0, with one abstention.

Resolution 2012-45

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

**AWARDING A CONTRACT FOR VARIABLE FREQUENCY DRIVERS - CONLEY
ELECTRIC**

WHEREAS, two (2) quotes were received on January 17, 2012 for the Variable Frequency Drivers for the Water Treatment Plant in Hightstown Borough; and

WHEREAS, the quotes have been reviewed by the Borough Engineer and it is the Engineer's recommendation that a contract for the Variable Frequency Drivers be awarded to the lowest quote, Conley Electric of Cranbury, New Jersey in the amount of \$22,000.00; and

WHEREAS, this project is funded by the New Jersey Environmental Infrastructure Trust, the award of this contract is conditional upon approval by the New Jersey Department of Environmental Protection; and,

WHEREAS, the Borough Attorney has reviewed and approved the quotation submitted by Conley Electric with respect to legal compliance; and

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the contract for Variable Frequency Drivers for the Water Treatment Plant is hereby awarded to Conley Electric of Cranbury, New Jersey in the amount of \$22,000.00, upon approval by the New Jersey Department of Environmental Protection.

Resolution 2012-46

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

**AWARDING A CONTRACT FOR BAR SCREEN UPGRADE – MBE MARK III ELECTRIC,
INC.**

WHEREAS, twelve (12) bids were received on January 24, 2012 for the Bar Screen Upgrade for the Advanced Wastewater Treatment Plant (AWWTP) in Hightstown Borough; and

WHEREAS, the bid has been reviewed by the Borough Engineer and it is the Engineer's recommendation that a contract for the Bar Screen Upgrade be awarded to the low bidder, MBE Mark II Electric, Inc. of Madison, New Jersey in the amount of \$204,000.00; and

WHEREAS, this project is funded by the New Jersey Environmental Infrastructure Trust, the award of this contract is conditional upon approval by the New Jersey Department of Environmental Protection; and,

WHEREAS, the Borough Attorney has reviewed and approved the bid submitted by MBE Mark II Electric, Inc. with respect to legal compliance; and

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the contract for Bar Screen Upgrade for the Advanced Wastewater Treatment Plant (AWWTP) is hereby awarded to MBE Mark II Electric, Inc. of Madison, New Jersey in the amount of \$204,000.00, upon approval by the New Jersey Department of Environmental Protection.

Resolution 2012-47

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

**AWARDING A CONTRACT FOR PRIMARY CLARIFIER UPGRADE – CLYDE N.
LATTIMER & SON CONSTRUCTION CO. INC.**

WHEREAS, fourteen (14) bids were received on January 24, 2012 for the Primary Clarifier Upgrade for the Advanced Wastewater Treatment Plant (AWWTP) in Hightstown Borough; and

WHEREAS, the bid has been reviewed by the Borough Engineer and it is the Engineer's recommendation that a contract for the Primary Clarifier Upgrade be awarded to the low bidder, Clyde N. Lattimer & Son Construction Co., Inc. of Berlin, New Jersey in the amount of \$148,400.00; and

WHEREAS, this project is funded by the New Jersey Environmental Infrastructure Trust, the award of this contract is conditional upon approval by the New Jersey Department of Environmental Protection; and,

WHEREAS, the Borough Attorney has reviewed and approved the bid submitted by Clyde N. Lattimer & Son Construction Co., Inc. with respect to legal compliance; and

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the contract for Primary Clarifier Upgrade for the Advanced Wastewater Treatment Plant (AWWTP) is hereby awarded to Clyde N. Lattimer & Son Construction Co., Inc. of Berlin, New Jersey in the amount of \$148,400.00, upon approval by the New Jersey Department of Environmental Protection.

Resolution 2012-48

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

**REJECTING THE LOW BIDDER AS NON-RESPONSIVE AND AWARDING A CONTRACT
FOR CONCRETE REPAIRS TO SECONDARY DIGESTER**

WHEREAS, five (5) bids were received on January 12, 2012 for Concrete Repairs to the Secondary Digester for the Advanced Wastewater Treatment Plant (AWWTP) in Hightstown Borough; and

WHEREAS, Pullman Shared Systems Technology, Inc. of Thorofare, New Jersey appeared to be the low bidder at a price of \$64,650.00, however it has been determined by the Borough Attorney, Borough Engineer and Purchasing Agent that their bid is non-responsive due to non-conformance with the specification and DEP requirement that mobilization be capped at a rate of \$3,000.00; and

WHEREAS, Pullman Shared Systems Technology, Inc. bid \$12,000.00 for mobilization on this project and due to non-conformance with the specification and DEP requirement that mobilization be capped at a rate of \$3,000.00 this bid is deemed to be non-responsive and is hereby rejected; and

WHEREAS, it is the recommendation of the Borough Engineer, Borough Attorney and Purchasing Agent that the contract for the Concrete Repairs to the Secondary Digester be awarded to the second lowest bidder, SWERP of Lafayette Hill, Pennsylvania

for a total contract price of \$79,870.00; and

WHEREAS, this project is funded by the New Jersey Environmental Infrastructure Trust, and the award of this contract is conditional upon approval by the New Jersey Department of Environmental Protection; and,

WHEREAS, the Borough Attorney has reviewed and approved the bid submitted by SWERP with respect to legal compliance; and

WHEREAS, the Treasurer has certified that funds are available for this expenditure;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the bid submitted by Pullman Shared Systems Technology, Inc. of Thorofare, New Jersey is hereby rejected as non-responsive.

BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of Hightstown that the contract for Concrete Repairs to the Secondary Digester for the Advanced Wastewater Treatment Plant (AWWTP) is hereby awarded to SWERP of Lafayette Hill, Pennsylvania in the amount of \$79,870.00, upon approval by the New Jersey Department of Environmental Protection.

Resolution 2012-49

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

**AWARDING A CONTRACT FOR SLUDGE ROTARY FAN PRESS – COPPOLA SERVICES
INC.**

WHEREAS, eleven (11) bids were received on January 31, 2012 for the Sludge Rotary Press for the Advanced Wastewater Treatment Plant (AWWTP) in Hightstown Borough; and

WHEREAS, the bid has been reviewed by the Borough Engineer and it is the Engineer's recommendation that a contract for the Sludge Rotary Press be awarded to the low bidder, Coppola Services, Inc. of Ringwood, New Jersey in the amount of \$395,328.00; and

WHEREAS, this project is funded by the New Jersey Environmental Infrastructure Trust, the award of this contract is conditional upon approval by the New Jersey Department of Environmental Protection; and,

WHEREAS, the Borough Attorney has reviewed and approved the bid submitted by Coppola Services, Inc. with respect to legal compliance; and

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the contract for Sludge Rotary Press for the Advanced Wastewater Treatment Plant (AWWTP) is hereby awarded to Coppola Services, Inc. of Ringwood, New Jersey in the amount of \$395,328.00, upon approval by the New Jersey Department of Environmental Protection.

Resolution 2012-50

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

**AWARDING A CONTRACT FOR MEDIA FOR WATER FILTRATION – DERSTINE
COMPANY LLC**

WHEREAS, eight (8) bids were received on January 31, 2012 for Media for Water Filtration for the Water Treatment Plant in Hightstown Borough; and

WHEREAS, shortly after the bid opening the low bidder, Municipal Maintenance Company of Cinnaminson, New Jersey submitted a letter requesting that their bid be withdrawn due to an error in the bid; and

WHEREAS, it has been determined that it is in the best interest of Hightstown Borough to accept the withdrawal of the bid submitted by Municipal Maintenance Company as requested; and

WHEREAS, the bid has been reviewed by the Borough Engineer and it is the Engineer's recommendation that a contract for the Media for Water Filtration be awarded to the second lowest bidder, Derstine Company, LLC of Sounderton, Pennsylvania in the amount of \$95,000.00; and

WHEREAS, this project is funded by the New Jersey Environmental Infrastructure Trust, the award of this contract is conditional upon approval by the New Jersey Department of Environmental Protection; and,

WHEREAS, the Borough Attorney has reviewed and approved the bid submitted by Municipal Derstine Company, LLC with respect to legal compliance; and

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the contract for Media for Water Filtration for the Water Treatment Plant is hereby awarded to Derstine Company, LLC of Sounderton, Pennsylvania in the amount of \$95,000.00, upon approval by the New Jersey Department of Environmental Protection.

Resolution 2012-51

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

AWARDING CONTRACT FOR ZETA LYTE 1A ANIONIC POLYELECTROLYTE – CUSTOM ENVIRONMENTAL TECHNOLOGY, INC.

WHEREAS, two (2) bids were received on January 31, 2012 for Zeta Lyte 1A Anionic Polyelectrolyte for the Advanced Wastewater Treatment Plant (AWWTP) in Hightstown Borough; and

WHEREAS, the bids have been reviewed by the Borough Engineer and it is the Engineer's recommendation that a two year contract for the Zeta Lyte 1A Anionic Polyelectrolyte be awarded to the low bidder, Custom Environmental Technology, Inc. of Collegeville, Pennsylvania at a per unit price of \$12.15 per gallon with a total contract price of \$20,047.50; and

WHEREAS, said contract shall be effective March 1, 2012; and

WHEREAS, the Borough Attorney has reviewed the bid and has determined that the bid submitted by Custom Environmental Technology, Inc. is in order with respect to legal compliance; and

WHEREAS, funds will be made available in the 2012 budget for said expenditure;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the contract for Zeta Lyte 1A Anionic Polyelectrolyte is hereby awarded to Custom Environmental Technology, Inc. of Collegeville, Pennsylvania effective March 1, 2012.

The Borough Engineer advised Council that she has spoken with the NJDOT and that they have stated that they will attend the next Borough Council meeting to discuss with Council the Route 33 bridge repairs over Rocky Brook.

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

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

Eugene Sarafin, 628 S. Main Street – commented that he thought resolutions 2012-57, 2012-58 and 2012-59 are great resolutions and then he gave his opinion regarding the Presidential campaign.

Isabel McGinty, 152 Broad Street – commented regarding information she would like given to the new Police Director; COAH plan; public access to information; taxi licensing; Borough Hall and offices; codification services; and a financial analysis of the water/sewer rates.

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

Resolution 2012-52 Authorizing the Payment of Bills

Council President Quattrone moved Resolution 2012-52 without items E0576, E0577, B0095 and J0026; Councilmember Bibens seconded.

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

Council President Quattrone moved item B0095; Councilmember Woods seconded.

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

Councilmember Bibens moved items E0576 and E0577; Council President Quattrone seconded.

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

Council President Quattrone moved item J0026; Councilmember Woods seconded.

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

Resolution adopted, 3-0, with three abstentions.

Resolution 2012-52

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

AUTHORIZING PAYMENT OF BILLS

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the bills be paid on audit and approval of the Borough Administrator, the appropriate Department Head and the Treasurer in the amount of \$ 1,062,157.51 from the following accounts

Current	\$	866,341.80
W/S Operating		114,966.92
General Capital		51,655.48
Water/Sewer Capital		24,225.76
Grant		650.00
Trust		4,057.75

Housing Trust	-
Animal Control	
Law Enforcement Trust	259.80
Housing Rehab Loans	-
Unemployment Trust	-
Escrow	
	<hr/>
Total	<u><u>\$ 1,062,157.51</u></u>

Resolution 2012-53 Appointing a Police Director

Councilmember Woods moved Resolution 2012-53 amending it to include the name James K. LeTellier; Councilmember Thibault seconded.

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

Resolution adopted as amended, 6-0.

Resolution 2012-53

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

APPOINTING A POLICE DIRECTOR

WHEREAS, Section 2-19.4 of the Revised General Ordinances of the Borough of Hightstown, provides for the appointment of a Police Director who shall serve at the pleasure of the Mayor and Council; and,

WHEREAS, it is the desire of the Mayor and Council to appoint James K. LeTellier to serve the Borough as Police Director for a period of three years; 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 appointment of James K. LeTellier is hereby ratified and confirmed as Police Director for a term of three years with specific terms and conditions of employment set forth in the written agreement and said terms of agreement are hereby approved by the Mayor and Council.

The Mayor introduced and welcomed Police Director James LeTellier.

There was brief discussion confirming that the Professionals whose agreements are being authorizing in resolutions 2012-54 through 2012-56 have agreed to hold their fess at the 2011 rate.

Resolution 2012-54 Authorizing an Agreement for Municipal Prosecutor Service – Robert H. Yostembski, Esq.

Council President Quattrone moved resolution 2012-54; Councilmember Bibens seconded.

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

Resolution adopted, 6-0

Resolution 2012-54

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

**AUTHORIZING AN AGREEMENT FOR PROFESSIONAL MUNICIPAL PROSECUTOR
SERVICES – ROBERT H. YOSTEMBSKI, ESQ.**

WHEREAS, there exists the need for specialized municipal prosecutor services relative to the municipal court during 2012; and

WHEREAS, the Borough Council has appointed Robert H. Yostembski, Esq. of Trenton, New Jersey as Municipal Prosecutor by resolution adopted by the Borough Council on January 2, 2012; and

WHEREAS, the cost for the proposed services shall not exceed \$17,000.00 without further approval by the Borough Council; and,

WHEREAS, funds for this purpose will be made available in the 2012 budget; and,

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

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

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

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

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

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

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

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

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be forwarded to Robert H. Yostembski, Esq., Municipal Prosecutor; George Lang, Chief Financial Officer; and the Contract File.

Resolution 2012-55 Authorizing an Agreement for Bond Counsel Services – McManimon & Scotland, LLC.

Council President Quattrone moved resolution 2012-55; Councilmember Bibens seconded.

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

Resolution adopted, 5-0, with one abstention

Resolution 2012-55

*BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER*

**AUTHORIZING AN AGREEMENT FOR PROFESSIONAL BOND COUNSEL SERVICES –
MCMANIMON & SCOTLAND, LLC**

WHEREAS, there exists the need for specialized legal services relative to bonding, financial and redevelopment matters during 2012; and

WHEREAS, the Borough Council has appointed Edward J. McManimon III of Newark, New Jersey as Bond Counsel by resolution adopted by the Borough Council on January 2, 2012; and

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

WHEREAS, funds for this purpose will be made available in the 2012 budget; and,

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

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

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

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

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

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

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

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

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be forwarded to Edward J. McManimon III, Bond Counsel; George Lang, Chief Financial Officer; and the Contract File.

Resolution 2012-56 Authorizing an Agreement for Professional Planning Services - Tamar Lee Consulting, LLC

Council President Quattrone moved resolution 2012-56; Councilmember Woods seconded.

Roll Call Vote: Council members Bibens, Bluth, Doran, Quattrone, Thibault, and Woods voted yes.
February 6, 2012

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

**AUTHORIZING AN AGREEMENT FOR PROFESSIONAL PLANNING SERVICES –
TAMARA LEE CONSULTING, LLC**

WHEREAS, there exists a need for municipal planning services during 2012 for the Borough of Hightstown; and,

WHEREAS, the Borough Council has appointed Tamara Lee Consulting, LLC of Hopewell, New Jersey, as Borough Planner by resolution adopted by the Borough Council on January 2, 2012; and

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

WHEREAS, funds for this purpose will be made available in the 2012 budget; and,

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

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

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

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

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

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

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

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

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be forwarded to Tamara Lee, Planner; George Lang, Chief Financial Officer; and the Contract File.

Resolution 2012-57 Providing the Public Automatic Access to Minutes of Executive Session Meetings of the Borough Council

Councilmember Thibault moved resolution 2012-57; Councilmember Bluth seconded.

There was discussion regarding “automatic access” to executive session minutes.

Roll Call Vote: Council members Bluth, Doran, and Thibault voted yes; Council members Bibens, Quattrone, and Woods voted no. Mayor Kirson broke the tie with a no vote.

Resolution defeated, 3-4.

Resolution 2012-58 Providing for Timely and Comprehensive Minutes of Meetings of the Borough Council

Councilmember Thibault moved resolution 2012-58; Councilmember Bluth seconded.

There was discussion regarding the hardship such a “requirement” would cause the Borough Clerk and the fact that the minutes she was behind due to additional duties associated with Hurricane Irene and its mitigation are now being brought current.

Roll Call Vote: Council members Bluth, Doran, and Thibault voted yes; Council members Bibens, Quattrone, and Woods voted no. Mayor Kirson broke the tie with a no vote.

Resolution defeated, 3-4.

Resolution 2012-59 Establishing Scheduling Standards to Facilitate Public Accessibility to Meetings of Public Bodies

There was discussion and the Attorney advised that the Housing Authority (due to it being a Federal Agency), and Planning Board would not be affected by this resolution. There was further discussion.

Councilmember Thibault moved resolution 2012-59 with the amendments that it read “regularly scheduled meetings” and the time be changed to 6:00 pm; Councilmember Bluth seconded.

Roll Call Vote: Council members Bluth, Doran, and Thibault voted yes; Bibens, Quattrone, and Woods voted no. Mayor Kirson broke the tie with a yes vote.

Resolution adopted as amended, 4-3.

Resolution 2012-59

ESTABLISHING SCHEDULING STANDARDS TO FACILITATE PUBLIC ACCESSABILITY TO MEETINGS OF PUBLIC BODIES

WHEREAS, the New Jersey Open Public Meetings Act (N.J.S.A. 10:4-6 et. seq.) established “...the right of the public to be present at all meetings of public bodies, and to witness in full detail all phases of the deliberation, policy formulation, and decision making of public bodies...” (N.J.S.A. 10:4-7); and

WHEREAS, the Open Public Meetings Act “...declares it to be the public policy of this State to insure the right of its citizens to have adequate advance notice of and the right to attend all meetings of public bodies at which any business affecting the public is discussed or acted upon in any way...” (N.J.S.A. 10:4-7); and

WHEREAS, the Open Public Meetings Act states “This act shall be liberally construed in order to accomplish its purpose and the public policy of this State...” (N.J.S.A. 10:4-21); and

WHEREAS, the work schedules of the vast majority of Hightstown residents require them to be present at their place of employment during daytime hours; and

WHEREAS, “daytime hours” is defined as that period from 7:00 a.m. to 6:00 p.m.; and

WHEREAS, the terms of employment for the majority of Hightstown residents require them to use vacation, personal or other compensated absence time or to lose a day’s salary for days they are not present at their place of employment; and

WHEREAS, meetings of public bodies as defined by the Open Public Meetings Act scheduled during those daylight hours creates a hardship or cost for members of the public by forcing them to miss all or part of a day at work if they wish to exercise their right to be present at such meetings.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that all public bodies as defined by the Open Public Meetings Act appointed by or operating under the authority of the Mayor and/or Council of the

Borough of Hightstown be required to schedule any and all regularly scheduled public meetings to begin no earlier than 6:00 p.m. during week days. Public meetings are those defined as such by the Open Public Meetings Act. Public bodies covered under this resolution are still required to comply fully with the Open Public Meetings Act.

Councilmember Thibault requested that resolution 2012-60 and resolutions 2012-67 through 2012-72 be pulled from the consent agenda.

Consent Agenda Resolutions 2012-61, 2012-62, 2012-63, 2012-64, 2012-65, 2012-66

Councilmember Thibault made a motion to approve the Consent Agenda as amended; Council President Quattrone seconded.

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

Resolutions adopted, 6-0

Resolution 2012-61

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

GRANTING AUTHORITY FOR APPROVAL OF CERTAIN PURCHASES

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

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

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

Resolution 2012-62

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

**AUTHORIZING DEPOSITORY AND SIGNATURES
FOR AFLAC FLEXIBLE SPENDING TRUST ACCOUNT**

BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the bank designated as the depository of money for the AFLAC Flexible Spending Trust Account of the Borough of Hightstown is hereby established in accordance with the Cash Management Plan adopted by the Borough on January 2, 2012; and

BE IT FURTHER RESOLVED that the following officers of the Borough of Hightstown and AFLAC, Inc. are hereby authorized to sign checks and/or make drafts for the payment of money from the AFLAC Flexible Spending Trust Account of the Borough of Hightstown for authorized purposes and that **all notes and drafts** from the AFLAC Flexible Spending Trust Account of the Borough of Hightstown be signed in like manner by any two of said same officers, provided that at least one of the Hightstown Borough officials referenced below must sign for each payment disbursed:

:

Steven Kirson, Mayor
Janice Mohr-Kminek, Treasurer
George J. Lang, Chief Financial Officer
Michael Theokas, Borough Administrator

Debra L. Sopronyi, Borough Clerk
Robert M. Ottman, Sr. VP – Strategic Transformation, Sales Director
Jason A. Goodroe, 2nd VP – Benefit Administration, Wingspan Benefit Services

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

Resolution 2012-63

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

APPOINTING A CLEAN COMMUNITIES COORDINATOR

WHEREAS, as a member it is required that Hightstown Borough appoint a Clean Community Coordinator; and

WHEREAS, Larry Blake, prior Public Works Superintendent, served in this capacity; and

WHEREAS, due to the retirement of Larry Blake it is required that the Borough appoint a replacement Clean Community Coordinator; and

WHEREAS, it is the desire of the Borough Council to appoint Ken Lewis, Public Works Superintendent as the Clean Community Coordinator for the Borough of Hightstown.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that Ken Lewis, Public Works Superintendent is hereby appointed as Clean Community Coordinator.

Resolution 2012-64

CONSENTING TO ASSIGNMENT OF THE CONTRACT AND ALL OF DELTA CHEMICAL'S TITLE AND INTEREST IN, AND RIGHTS AND OBLIGATIONS UNDER THE ALUMINUM SULFATE CONTRACT TO USALCO, LLC

WHEREAS, on July 7, 2011 Hightstown Borough awarded a two year contract for aluminum sulfate to Delta Chemical Corporation; and

WHEREAS, USALCO, LLC has acquired substantially all of the assets of Delta Chemical including, without limitation, the contract for aluminum sulfate as awarded by Hightstown Borough; and

WHEREAS, it is required that Hightstown Borough consent to the assignment of this contract and all of Delta Chemical's title and interest in, and rights and obligations under the contract to USALCO; and

WHEREAS, the contract, including all prices, delivery and conditions remains in full force as awarded; and

WHEREAS, the Borough Attorney, Borough Engineer and Qualified Purchasing Agent recommend the assignment of this contract to USALCO, LLC.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown consent to the assignment of the contract for aluminum sulfate and all of Delta Chemical's title and interest in, and rights and obligations under the contract to USALCO, LLC and the Qualified Purchasing Agent is hereby authorized and directed to sign the consent for same.

Resolution 2012-65

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

**AUTHORIZING A SHARED SERVICES AGREEMENT WITH ROOSEVELT BOROUGH FOR
VARIOUS PUBLIC WORKS SERVICES**

WHEREAS, it is the desire of Hightstown Borough to enter into a Shared Services Agreement for the provision of various Public Works services to the Borough of Roosevelt for the two-year period, January 1, 2012 through December 31, 2013; and

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

WHEREAS, the services to be provided by Hightstown Borough, to the Borough of Roosevelt shall include the repair and maintenance of public water and sewer lines, and public roads and streets; and

WHEREAS, Ken Lewis, Hightstown Public Works Superintendent shall be the contact for said services on behalf of Hightstown Borough.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Hightstown, in the County of Mercer and State of New Jersey, that Hightstown Borough is hereby authorized to enter into a Shared Services Agreement for Certain Public Works Services, and the Mayor and Borough Clerk are authorized to execute said agreement.

Resolution 2012-66

**AUTHORIZING THE EXECUTION OF AN AGREEMENT FOR CONTINUED PARTICIPATION IN THE HOMES
INVESTMENTS PARTNERSHIPS PROGRAM CONSORTIUM WITH THE COUNTY OF MERCER**

WHEREAS, the HOME Investment Partnerships Program seeks to expand the supply of decent and affordable housing, particularly rental housing, for low and very low income Americans; and,

WHEREAS, the HOME Investment Partnerships Program seeks to strengthen the abilities of state and local governments to design and implement strategies for achieving adequate supplies of decent, affordable housing; and,

WHEREAS, the HOME Investment Partnerships Program seeks to extend and strengthen partnerships among all levels of government and the private sector, including for-profit and non-profit organizations, in the production and operation of affordable housing; and,

WHEREAS, the HOME Investment Partnerships Program provides state and local governments with the flexibility to decide what kind of housing assistance, is most appropriate for meeting their housing needs; and,

WHEREAS, the HOME Investment Partnerships Program encourages state and local governments to use HOME funds efficiently and to undertake the most cost-efficient housing activities requiring the smallest state and local matching contributions for Federal funds; and,

WHEREAS, in order to qualify for funding under this program, a municipality or consortium of municipalities must have a minimum 'critical housing need' of \$500,000.00; and,

WHEREAS, the City of Trenton is the only municipality within Mercer County eligible, on an independent basis for HOME Investment Partnerships Program funds; and,

WHEREAS, the remaining Mercer County municipalities interested in participating in the HOME Investment Partnerships Program must pool together into a consortium to be eligible for funding; and,

WHEREAS, there is no cost to municipalities to participate in the Mercer County HOME Investment Partnerships Program Consortium, aside from the required matching funds for any project a municipality may undertake; and,

WHEREAS, the Mercer County HOME Investment Partnerships Program Consortium would be a source of funding for a project the Borough of Hightstown_ may undertake in its own affordable housing program without requiring the Borough of Hightstown to undertake any specific projects; and,

WHEREAS, participation by the Borough of Hightstown in the Mercer County HOME Investment Partnerships Program Consortium would be beneficial to its relations with other Mercer County municipalities, and as a whole, meet the eligibility requirements for participation in the HOME Investment Partnerships Program.

NOW THEREFORE BE IT RESOLVED, participation in the Mercer County HOME Investment Partnerships Program Consortium is hereby endorsed and the Mayor and the Municipal Clerk are hereby authorized and directed to execute said Mercer County HOME Investment Partnerships Program Consortium Agreement.

Resolution 2012-60 Awarding the Lease of Certain Borough-Owned Property Located at Block 7, Lot 41 (Route 130) on the Hightstown Borough Tax Map – Katsifis Family LLC

Councilmember Bibens made a motion to approve Resolution 2012-60; Councilmember Woods seconded.

There was discussion and Mr. Raffetto explained the bid process that took place for the lease of this property.

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

Resolution adopted, 4-0 with 2 abstentions

Resolution 2012-60

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

**AWARDING THE LEASE OF CERTAIN BOROUGH-OWNED PROPERTY LOCATED AT
BLOCK 7, LOT 41 (ROUTE 130) ON THE HIGHTSTOWN BOROUGH TAX MAP – KATSIFIS
FAMILY LLC**

WHEREAS, the Mayor and Council of the Borough of Hightstown has previously authorized the solicitation proposals through a publicly advertised bidding process for the lease of a portion of certain Borough-owned real property located at Block 7, Lot 41 on the Hightstown Borough Tax Map to the highest bidder through the submission of sealed bids in accordance with N.J.S.A. 40A:12-14(a); and

WHEREAS, the site is not needed by the Borough for any public purpose of the Borough; and

WHEREAS, the Borough believes that a lease of the site to a third party shall operate as a financial benefit to the Borough, and shall be in the best interest of the residents of the Borough; and

WHEREAS, one (1) bid was received on January 19, 2012 from Katsifis Family LLC of East Windsor, New Jersey with the amount of the initial ten-year term of the lease to be in the amount of \$9,500.00 annually; and

WHEREAS, the bid has been reviewed by the Borough Attorney and Qualified Purchasing Agent and it is their recommendation that said lease be awarded to Katsifis Family LLC with the initial lease to be in the amount of \$9,500.00 and the rent shall escalate by two and one-half percent (2-1/2%) per year thereafter; and

WHEREAS, upon the expiration of the initial tenancy, the parties shall have the option to renew the lease term for an additional ten (10) year period, at a negotiated rate, and with a set annual escalation rate also to be determined by the parties; and

WHEREAS, the following additional condition(s), restriction(s) and limitation(s) are imposed upon the tenancy: the Tenant shall reimburse the Borough for any and all increases in County and School taxes that the Borough is required to pay as a result of the lease of the site; and the site may be used by the Tenant as a parking lot for the parking of motor vehicles only; and

WHEREAS, the successful bidder must obtain site plan approval and/or any other approval(s) deemed necessary from the Hightstown Borough Planning Board for the intended use of the leased area; and

WHEREAS, the successful bidder must also execute a Lease Agreement that is in a form satisfactory to the Borough Attorney, and provide escrow funding sufficient to pay the costs of legal and engineering services associated with the lease; and

WHEREAS, the lease of space shall be subject to such additional reasonable terms and conditions as are deemed necessary by the parties; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Hightstown, in the County of Mercer and State of New Jersey that the lease of a portion of certain Borough-owned real property located at Block 7, Lot 41 on the Hightstown Borough Tax Map is hereby awarded to Katsifis Family LLC of East Windsor, New Jersey with the initial ten-year term of the lease to be in the amount of \$9,500.00 annually under the terms as stipulated herein and in the bid specifications and upon the expiration of the initial tenancy, the parties shall have the option to renew the lease term for an additional ten (10) year period, at a negotiated rate, and with a set annual escalation rate also to be determined by the parties.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute and the Borough Clerk to attest a Lease
February 6, 2012

Agreement relating to the said property which includes all of the requirements set forth in the bid specifications and which is in a form satisfactory to the Borough Attorney.

Consent Agenda Resolutions 2012-67, 2012-68, 2012-69, 2012-70, 2012-71, and 2012-72

There was brief discussion regarding resolution 2012-67 through 2012-72. It was explained that these resolutions pertain to the capital projects associated with the NJEIT financing and are required.

Councilmember Bibens moved Resolutions 2012-67, 2012-68, 2012-69, 2012-70, 2012-71, and 2012-72 as a consent agenda; Councilmember Bluth seconded.

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

Resolution adopted, 5-0 with 1 abstention

Resolution 2012-67

RESOLUTION DETERMINING THE FORM AND OTHER DETAILS OF NOT EXCEEDING \$924,400 GENERAL IMPROVEMENT BONDS, SERIES 2012, OF THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY, AND PROVIDING FOR THEIR SALE TO THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST AND THE STATE OF NEW JERSEY PURSUANT TO THE 2012 NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST FINANCING PROGRAM.

WHEREAS, the Borough of Hightstown (the "Borough"), in the County of Mercer, New Jersey, has determined that there exists a need within the Borough to provide for improvements to the Hightstown Water Treatment Plant in the Borough (the "Project") as defined in each of that certain Loan Agreement (the "Trust Loan Agreement") to be entered into by and between the Borough and the New Jersey Environmental Infrastructure Trust (the "Trust") and that certain Loan Agreement (the "Fund Loan Agreement", and together with the Trust Loan Agreement, the "Loan Agreements") to be entered into by and between the Borough and the State of New Jersey, acting by and through the New Jersey Department of Environmental Protection (the "State"), all pursuant to the 2012 New Jersey Environmental Infrastructure Trust Financing Program (the "Program");

WHEREAS, the Borough has determined to finance the Project with the proceeds of a loan to be made by each of the Trust (the "Trust Loan") and the State (the "Fund Loan", and together with the Trust Loan, the "Loans") pursuant to the Trust Loan Agreement and the Fund Loan Agreement, respectively;

WHEREAS, to evidence the Loans, each of the Trust and the State require the Borough to authorize, execute, attest and deliver the Borough's General Improvement Bonds, Series 2012, in an aggregate principal amount not to exceed \$924,400, a portion of which will be to the Trust (the "Trust Loan Bond") and a portion of which will be to the State (the "Fund Loan Bond" and, together with the Trust Loan Bond, the "Borough Bonds") pursuant to the terms of the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the Revised Statutes of the State of New Jersey (the "Local Bond Law"), other applicable law and the Loan Agreements;

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

WHEREAS, in connection with the issuance of the Borough Bonds to the Program, the governing body of the Borough wishes to authorize the execution of certain certificates and opinions as may be required by the Program or Bond Counsel to the Borough (collectively, the "Escrowed Documents") by the Mayor, Chief Financial Officer, Borough Clerk, Counsel to the Borough, Project Engineer or Appraiser and/or Bond Counsel to the Borough (collectively, the "Borough Representatives") on or before the date when the Borough is scheduled to close the loans in escrow with the Program (the "Escrow Closing Date"), such documents to be delivered to Bond Counsel and held by Bond Counsel until such time as the Borough authorizes release of the same.

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

Section 1. In accordance with N.J.S.A. 40A:2-27(a)(2) of the Local Bond Law and N.J.S.A. 58:11B-9(a), the Borough hereby sells and awards its Borough Bonds in an aggregate principal amount not to exceed \$924,400 in accordance with the provisions hereof. The Borough Bonds have been referred to and are described in a bond ordinance of the Borough, which bond ordinance is entitled, "BOND ORDINANCE PROVIDING FOR THE ACQUISITION, CONSTRUCTION AND INSTALLATION OF VARIOUS FACILITIES, STRUCTURES AND EQUIPMENT FOR THE WATER SEWER UTILITY IN

AND BY THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$2,083,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,083,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING THE COST THEREOF", as finally adopted by the Borough at a meeting duly called and held on June 6, 2011, at which time a quorum was present and acted throughout, all pursuant to the terms of the Local Bond Law and other applicable law.

Section 2. The Chief Financial Officer of the Borough (the "Chief Financial Officer") is hereby authorized to determine, in accordance with the Local Bond Law and pursuant to the terms and conditions established by the Trust and the State under the Loan Agreements and the terms and conditions hereof, the following items with respect to the Trust Loan Bond and the Fund Loan Bond:

- (a) The aggregate principal amounts of the Trust Loan Bond and the Fund Loan Bond to be issued, which aggregate principal amount shall not exceed \$924,400;
- (b) The maturity and annual principal installments of the Borough Bonds, which maturity shall not exceed 20 years;
- (c) The date of the Borough Bonds;
- (d) The interest rates of the Borough Bonds;
- (e) The purchase price for the Borough Bonds; and
- (f) The terms and conditions under which the Borough Bonds shall be subject to redemption prior to their stated maturities.

Section 3. Any determination made by the Chief Financial Officer pursuant to the terms hereof shall be conclusively evidenced by the execution and attestation of the Borough Bonds by the parties authorized under Section 4(c) hereof.

Section 4. The Borough hereby determines that certain terms of the Borough Bonds shall be as follows:

- (a) The Trust Loan Bond shall be issued in a single denomination and shall be numbered R-1. The Fund Loan Bond shall be issued in a single denomination and shall be numbered R-2;
- (b) The Borough Bonds shall be issued in fully registered form and shall be payable to the registered owners thereof as to both principal and interest in lawful money of the United States of America; and
- (c) The Borough Bonds shall be executed by the manual or facsimile signatures of the Mayor and the Chief Financial Officer under official seal or facsimile thereof affixed, printed, engraved or reproduced thereon and attested by the manual signature of the Borough Clerk.

Section 5. The Trust Loan Bond and the Fund Loan Bond shall be substantially in the form set forth in the Trust Loan Agreement and the Fund Loan Agreement, respectively.

Section 6. The law firm of McManimon & Scotland, L.L.C. is hereby authorized to arrange for the printing of the Borough Bonds, which law firm may authorize McCarter & English, LLP, bond counsel to the Trust and the State for the Program, to arrange for same. The Borough auditor is hereby authorized to prepare the financial information necessary in connection with the issuance of the Borough Bonds. The Mayor, the Chief Financial Officer and the Borough Clerk are hereby authorized to execute any certificates necessary or desirable in connection with the financial and other information. Bond Counsel to the Borough is hereby authorized to accept and hold the Escrowed Documents on or before the Escrow Closing Date and to release same upon the direction of the Borough.

Section 7. The Borough hereby designates the Chief Financial Officer to award the Bonds in accordance with Section 2 hereof and such financial officer shall report in writing the results of the sale to this Council as required by law.

Section 8. The Mayor and the Chief Financial Officer are hereby severally authorized to execute any certificates or documents necessary or desirable in connection with the sale of the Borough Bonds, and are further authorized to deliver same to the Trust and the State upon delivery of the Borough Bonds and the receipt of payment therefor in accordance with the Loan Agreements.

Section 9. This resolution shall take effect immediately.

Section 10. Upon the adoption hereof, the Borough Clerk shall forward certified copies of this resolution to McManimon & Scotland, L.L.C., bond counsel to the Borough, and Richard T. Nolan, Esq., McCarter & English, LLP, bond counsel to the Trust.

RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF LOAN AGREEMENTS TO BE EXECUTED BY THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY AND EACH OF THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST AND THE STATE OF NEW JERSEY, ACTING BY AND THROUGH THE DEPARTMENT OF ENVIRONMENTAL PROTECTION, AND FURTHER AUTHORIZING THE EXECUTION AND DELIVERY OF AN ESCROW AGREEMENT, ALL PURSUANT TO THE 2012 NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST FINANCING PROGRAM

WHEREAS, the Borough of Hightstown (the "Borough"), in the County of Mercer, New Jersey, has determined that there exists a need within the Borough to provide for improvements to the Hightstown Water Treatment Plant in the Borough (the "Project") as defined in each of that certain Loan Agreement (the "Trust Loan Agreement") to be entered into by and between the Borough and the New Jersey Environmental Infrastructure Trust (the "Trust") and that certain Loan Agreement (the "Fund Loan Agreement", and together with the Trust Loan Agreement, the "Loan Agreements") to be entered into by and between the Borough and the State of New Jersey, acting by and through the New Jersey Department of Environmental Protection (the "State"), all pursuant to the 2012 New Jersey Environmental Infrastructure Trust Financing Program (the "Program");

WHEREAS, the Borough has determined to finance the Project with the proceeds of a loan to be made by each of the Trust (the "Trust Loan") and the State (the "Fund Loan", and together with the Trust Loan, the "Loans") pursuant to the Trust Loan Agreement and the Fund Loan Agreement, respectively;

WHEREAS, to evidence the Loans, each of the Trust and the State require the Borough to authorize, execute, attest and deliver the Borough's General Improvement Bonds, Series 2012, in an aggregate principal amount not to exceed \$924,400, a portion of which will be to the Trust (the "Trust Loan Bond") and a portion of which will be to the State (the "Fund Loan Bond" and, together with the Trust Loan Bond, the "Borough Bonds") pursuant to the terms of the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the Revised Statutes of the State of New Jersey (the "Local Bond Law"), other applicable law and the Loan Agreements; and

WHEREAS, the Trust and the State have expressed their desire to close in escrow the making of one or more of the Loans, the issuance of one or more of the Borough Bonds and the execution and delivery of one or more of the Loan Agreements, all pursuant to the terms of an Escrow Agreement (the "Escrow Agreement") to be entered into by and among the Trust, the State, the Borough and the escrow agent named therein.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough as follows:

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

Section 2. The Authorized Officers of the Borough are hereby further severally authorized to (i) execute and deliver, and the Borough Clerk is hereby further authorized to attest to such execution and to affix the corporate seal of the Borough to, any document, instrument or closing certificate deemed necessary, desirable or convenient by the Authorized Officers or the Borough Clerk, as applicable, in their respective sole discretion, after consultation with the Consultants, to be executed in connection with the execution and delivery of the Financing Documents and the consummation of the transactions contemplated thereby, which determination shall be conclusively evidenced by the execution of each such certificate or other document by the party authorized hereunder to execute such certificate or other document, and (ii) perform such other actions as the Authorized Officers deem necessary, desirable or convenient in relation to the execution and delivery thereof.

Section 3. This resolution shall take effect immediately.

Section 4. Upon the adoption hereof, the Borough Clerk shall forward certified copies of this resolution to McManimon & Scotland, L.L.C., bond counsel to the Borough, and Richard T. Nolan, Esq., McCarter & English, LLP, bond counsel to the Trust.

Resolution 2012-69

RESOLUTION DETERMINING THE FORM AND OTHER DETAILS OF NOT EXCEEDING \$393,500 GENERAL IMPROVEMENT BONDS, SERIES 2012, OF THE BOROUGH OF

**HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY, AND PROVIDING FOR THEIR
SALE TO THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST AND THE
STATE OF NEW JERSEY PURSUANT TO THE 2012 NEW JERSEY ENVIRONMENTAL
INFRASTRUCTURE TRUST FINANCING PROGRAM.**

WHEREAS, the Borough of Hightstown (the "Borough"), in the County of Mercer, New Jersey, has determined that there exists a need within the Borough to provide for the installation of a rotary fan press at Hightstown Advanced Wastewater Treatment Plant to press liquid sludge into cake in the Borough (the "Project") as defined in each of that certain Loan Agreement (the "Trust Loan Agreement") to be entered into by and between the Borough and the New Jersey Environmental Infrastructure Trust (the "Trust") and that certain Loan Agreement (the "Fund Loan Agreement", and together with the Trust Loan Agreement, the "Loan Agreements") to be entered into by and between the Borough and the State of New Jersey, acting by and through the New Jersey Department of Environmental Protection (the "State"), all pursuant to the 2012 New Jersey Environmental Infrastructure Trust Financing Program (the "Program");

WHEREAS, the Borough has determined to finance the Project with the proceeds of a loan to be made by each of the Trust (the "Trust Loan") and the State (the "Fund Loan", and together with the Trust Loan, the "Loans") pursuant to the Trust Loan Agreement and the Fund Loan Agreement, respectively;

WHEREAS, to evidence the Loans, each of the Trust and the State require the Borough to authorize, execute, attest and deliver the Borough's General Improvement Bonds, Series 2012, in an aggregate principal amount not to exceed \$393,500, a portion of which will be to the Trust (the "Trust Loan Bond") and a portion of which will be to the State (the "Fund Loan Bond" and, together with the Trust Loan Bond, the "Borough Bonds") pursuant to the terms of the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the Revised Statutes of the State of New Jersey (the "Local Bond Law"), other applicable law and the Loan Agreements;

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

WHEREAS, in connection with the issuance of the Borough Bonds to the Program, the governing body of the Borough wishes to authorize the execution of certain certificates and opinions as may be required by the Program or Bond Counsel to the Borough (collectively, the "Escrowed Documents") by the Mayor, Chief Financial Officer, Borough Clerk, Counsel to the Borough, Project Engineer or Appraiser and/or Bond Counsel to the Borough (collectively, the "Borough Representatives") on or before the date when the Borough is scheduled to close the loans in escrow with the Program (the "Escrow Closing Date"), such documents to be delivered to Bond Counsel and held by Bond Counsel until such time as the Borough authorizes release of the same.

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

Section 1. In accordance with N.J.S.A. 40A:2-27(a)(2) of the Local Bond Law and N.J.S.A. 58:11B-9(a), the Borough hereby sells and awards its Borough Bonds in an aggregate principal amount not to exceed \$393,500 in accordance with the provisions hereof. The Borough Bonds have been referred to and are described in a bond ordinance of the Borough, which bond ordinance is entitled, "BOND ORDINANCE PROVIDING FOR THE ACQUISITION, CONSTRUCTION AND INSTALLATION OF VARIOUS FACILITIES, STRUCTURES AND EQUIPMENT FOR THE WATER SEWER UTILITY IN AND BY THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$2,083,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,083,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING THE COST THEREOF", as finally adopted by the Borough at a meeting duly called and held on June 6, 2011, at which time a quorum was present and acted throughout, all pursuant to the terms of the Local Bond Law and other applicable law.

Section 2. The Chief Financial Officer of the Borough (the "Chief Financial Officer") is hereby authorized to determine, in accordance with the Local Bond Law and pursuant to the terms and conditions established by the Trust and the State under the Loan Agreements and the terms and conditions hereof, the following items with respect to the Trust Loan Bond and the Fund Loan Bond:

- (a) The aggregate principal amounts of the Trust Loan Bond and the Fund Loan Bond to be issued, which aggregate principal amount shall not exceed \$393,500;
- (b) The maturity and annual principal installments of the Borough Bonds, which maturity shall not exceed 20 years;
- (c) The date of the Borough Bonds;
- (d) The interest rates of the Borough Bonds;

(e) The purchase price for the Borough Bonds; and

(f) The terms and conditions under which the Borough Bonds shall be subject to redemption prior to their stated maturities.

Section 3. Any determination made by the Chief Financial Officer pursuant to the terms hereof shall be conclusively evidenced by the execution and attestation of the Borough Bonds by the parties authorized under Section 4(c) hereof.

Section 4. The Borough hereby determines that certain terms of the Borough Bonds shall be as follows:

(a) The Trust Loan Bond shall be issued in a single denomination and shall be numbered R-1. The Fund Loan Bond shall be issued in a single denomination and shall be numbered R-2;

(b) The Borough Bonds shall be issued in fully registered form and shall be payable to the registered owners thereof as to both principal and interest in lawful money of the United States of America; and

(c) The Borough Bonds shall be executed by the manual or facsimile signatures of the Mayor and the Chief Financial Officer under official seal or facsimile thereof affixed, printed, engraved or reproduced thereon and attested by the manual signature of the Borough Clerk.

Section 5. The Trust Loan Bond and the Fund Loan Bond shall be substantially in the form set forth in the Trust Loan Agreement and the Fund Loan Agreement, respectively.

Section 6. The law firm of McManimon & Scotland, L.L.C. is hereby authorized to arrange for the printing of the Borough Bonds, which law firm may authorize McCarter & English, LLP, bond counsel to the Trust and the State for the Program, to arrange for same. The Borough auditor is hereby authorized to prepare the financial information necessary in connection with the issuance of the Borough Bonds. The Mayor, the Chief Financial Officer and the Borough Clerk are hereby authorized to execute any certificates necessary or desirable in connection with the financial and other information. Bond Counsel to the Borough is hereby authorized to accept and hold the Escrowed Documents on or before the Escrow Closing Date and to release same upon the direction of the Borough.

Section 7. The Borough hereby designates the Chief Financial Officer to award the Bonds in accordance with Section 2 hereof and such financial officer shall report in writing the results of the sale to this Council as required by law.

Section 8. The Mayor and the Chief Financial Officer are hereby severally authorized to execute any certificates or documents necessary or desirable in connection with the sale of the Borough Bonds, and are further authorized to deliver same to the Trust and the State upon delivery of the Borough Bonds and the receipt of payment therefor in accordance with the Loan Agreements.

Section 9. This resolution shall take effect immediately.

Section 10. Upon the adoption hereof, the Borough Clerk shall forward certified copies of this resolution to McManimon & Scotland, L.L.C., bond counsel to the Borough, and Richard T. Nolan, Esq., McCarter & English, LLP, bond counsel to the Trust.

Resolution 2012-70

RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF LOAN AGREEMENTS TO BE EXECUTED BY THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY AND EACH OF THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST AND THE STATE OF NEW JERSEY, ACTING BY AND THROUGH THE DEPARTMENT OF ENVIRONMENTAL PROTECTION, AND FURTHER AUTHORIZING THE EXECUTION AND DELIVERY OF AN ESCROW AGREEMENT, ALL PURSUANT TO THE 2012 NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST FINANCING PROGRAM

WHEREAS, the Borough of Hightstown (the "Borough"), in the County of Mercer, New Jersey, has determined that there exists a need within the Borough to provide for the installation of a rotary fan press at Hightstown Advanced Wastewater Treatment Plant to press liquid sludge into cake in the Borough (the "Project") as defined in each of that certain Loan Agreement (the "Trust Loan Agreement") to be entered into by and between the Borough and the New Jersey Environmental Infrastructure Trust (the "Trust") and that certain Loan Agreement (the "Fund Loan Agreement", and together with the Trust Loan Agreement, the "Loan Agreements") to be entered into by and between the Borough and the State of New Jersey, acting by and through the New Jersey Department of Environmental Protection (the "State"), all pursuant to the 2012 New Jersey Environmental Infrastructure Trust Financing Program (the "Program");

WHEREAS, the Borough has determined to finance the Project with the proceeds of a loan to be made by each of the Trust (the "Trust Loan") and the State (the "Fund Loan", and together with the Trust Loan, the "Loans") pursuant to the Trust Loan Agreement and the Fund Loan Agreement, respectively;

WHEREAS, to evidence the Loans, each of the Trust and the State require the Borough to authorize, execute, attest and deliver the Borough's General Improvement Bonds, Series 2012, in an aggregate principal amount not to exceed \$393,500, a portion of which will be to the Trust (the "Trust Loan Bond") and a portion of which will be to the State (the "Fund Loan Bond" and, together with the Trust Loan Bond, the "Borough Bonds") pursuant to the terms of the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the Revised Statutes of the State of New Jersey (the "Local Bond Law"), other applicable law and the Loan Agreements; and

WHEREAS, the Trust and the State have expressed their desire to close in escrow the making of one or more of the Loans, the issuance of one or more of the Borough Bonds and the execution and delivery of one or more of the Loan Agreements, all pursuant to the terms of an Escrow Agreement (the "Escrow Agreement") to be entered into by and among the Trust, the State, the Borough and the escrow agent named therein.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough as follows:

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

Section 2. The Authorized Officers of the Borough are hereby further severally authorized to (i) execute and deliver, and the Borough Clerk is hereby further authorized to attest to such execution and to affix the corporate seal of the Borough to, any document, instrument or closing certificate deemed necessary, desirable or convenient by the Authorized Officers or the Borough Clerk, as applicable, in their respective sole discretion, after consultation with the Consultants, to be executed in connection with the execution and delivery of the Financing Documents and the consummation of the transactions contemplated thereby, which determination shall be conclusively evidenced by the execution of each such certificate or other document by the party authorized hereunder to execute such certificate or other document, and (ii) perform such other actions as the Authorized Officers deem necessary, desirable or convenient in relation to the execution and delivery thereof.

Section 3. This resolution shall take effect immediately.

Section 4. Upon the adoption hereof, the Borough Clerk shall forward certified copies of this resolution to McManimon & Scotland, L.L.C., bond counsel to the Borough, and Richard T. Nolan, Esq., McCarter & English, LLP, bond counsel to the Trust.

Resolution 2012-71

RESOLUTION DETERMINING THE FORM AND OTHER DETAILS OF NOT EXCEEDING \$765,100 GENERAL IMPROVEMENT BONDS, SERIES 2012, OF THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY, AND PROVIDING FOR THEIR SALE TO THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST AND THE STATE OF NEW JERSEY PURSUANT TO THE 2012 NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST FINANCING PROGRAM.

WHEREAS, the Borough of Hightstown (the "Borough"), in the County of Mercer, New Jersey, has determined that there exists a need within the Borough to provide for upgrades to the trickling filter, bar screen, secondary digester and clarifier in the Borough (the "Project") as defined in each of that certain Loan Agreement (the "Trust Loan Agreement") to be entered into by and between the Borough and the New Jersey Environmental Infrastructure Trust (the "Trust") and that certain Loan Agreement (the "Fund Loan Agreement", and together with the Trust Loan Agreement, the "Loan Agreements") to be entered into by and between the Borough and the State of New Jersey, acting by and through the New Jersey Department of Environmental Protection (the "State"), all pursuant to the 2012 New Jersey Environmental Infrastructure Trust Financing Program (the "Program");

WHEREAS, the Borough has determined to finance the Project with the proceeds of a loan to be made by each of the Trust (the "Trust Loan") and the State (the "Fund Loan", and together with the Trust Loan, the "Loans") pursuant to the Trust Loan Agreement and the Fund Loan Agreement, respectively;

Agreement and the Fund Loan Agreement, respectively;

WHEREAS, to evidence the Loans, each of the Trust and the State require the Borough to authorize, execute, attest and deliver the Borough's General Improvement Bonds, Series 2012, in an aggregate principal amount not to exceed \$765,100, a portion of which will be to the Trust (the "Trust Loan Bond") and a portion of which will be to the State (the "Fund Loan Bond" and, together with the Trust Loan Bond, the "Borough Bonds") pursuant to the terms of the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the Revised Statutes of the State of New Jersey (the "Local Bond Law"), other applicable law and the Loan Agreements;

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

WHEREAS, in connection with the issuance of the Borough Bonds to the Program, the governing body of the Borough wishes to authorize the execution of certain certificates and opinions as may be required by the Program or Bond Counsel to the Borough (collectively, the "Escrowed Documents") by the Mayor, Chief Financial Officer, Borough Clerk, Counsel to the Borough, Project Engineer or Appraiser and/or Bond Counsel to the Borough (collectively, the "Borough Representatives") on or before the date when the Borough is scheduled to close the loans in escrow with the Program (the "Escrow Closing Date"), such documents to be delivered to Bond Counsel and held by Bond Counsel until such time as the Borough authorizes release of the same.

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

Section 1. In accordance with N.J.S.A. 40A:2-27(a)(2) of the Local Bond Law and N.J.S.A. 58:11B-9(a), the Borough hereby sells and awards its Borough Bonds in an aggregate principal amount not to exceed \$765,100 in accordance with the provisions hereof. The Borough Bonds have been referred to and are described in a bond ordinance of the Borough, which bond ordinance is entitled, "BOND ORDINANCE PROVIDING FOR THE ACQUISITION, CONSTRUCTION AND INSTALLATION OF VARIOUS FACILITIES, STRUCTURES AND EQUIPMENT FOR THE WATER SEWER UTILITY IN AND BY THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$2,083,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,083,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING THE COST THEREOF", as finally adopted by the Borough at a meeting duly called and held on June 6, 2011, at which time a quorum was present and acted throughout, all pursuant to the terms of the Local Bond Law and other applicable law.

Section 2. The Chief Financial Officer of the Borough (the "Chief Financial Officer") is hereby authorized to determine, in accordance with the Local Bond Law and pursuant to the terms and conditions established by the Trust and the State under the Loan Agreements and the terms and conditions hereof, the following items with respect to the Trust Loan Bond and the Fund Loan Bond:

- (a) The aggregate principal amounts of the Trust Loan Bond and the Fund Loan Bond to be issued, which aggregate principal amount shall not exceed \$765,100;
- (b) The maturity and annual principal installments of the Borough Bonds, which maturity shall not exceed 20 years;
- (c) The date of the Borough Bonds;
- (d) The interest rates of the Borough Bonds;
- (e) The purchase price for the Borough Bonds; and
- (f) The terms and conditions under which the Borough Bonds shall be subject to redemption prior to their stated maturities.

Section 3. Any determination made by the Chief Financial Officer pursuant to the terms hereof shall be conclusively evidenced by the execution and attestation of the Borough Bonds by the parties authorized under Section 4(c) hereof.

Section 4. The Borough hereby determines that certain terms of the Borough Bonds shall be as follows:

- (a) The Trust Loan Bond shall be issued in a single denomination and shall be numbered R-1. The Fund Loan Bond shall be issued in a single denomination and shall be numbered R-2;
- (b) The Borough Bonds shall be issued in fully registered form and shall be payable to the registered owners thereof as to both principal and interest in lawful money of the United States of America; and

(c) The Borough Bonds shall be executed by the manual or facsimile signatures of the Mayor and the Chief Financial Officer under official seal or facsimile thereof affixed, printed, engraved or reproduced thereon and attested by the manual signature of the Borough Clerk.

Section 5. The Trust Loan Bond and the Fund Loan Bond shall be substantially in the form set forth in the Trust Loan Agreement and the Fund Loan Agreement, respectively.

Section 6. The law firm of McManimon & Scotland, L.L.C. is hereby authorized to arrange for the printing of the Borough Bonds, which law firm may authorize McCarter & English, LLP, bond counsel to the Trust and the State for the Program, to arrange for same. The Borough auditor is hereby authorized to prepare the financial information necessary in connection with the issuance of the Borough Bonds. The Mayor, the Chief Financial Officer and the Borough Clerk are hereby authorized to execute any certificates necessary or desirable in connection with the financial and other information. Bond Counsel to the Borough is hereby authorized to accept and hold the Escrowed Documents on or before the Escrow Closing Date and to release same upon the direction of the Borough.

Section 7. The Borough hereby designates the Chief Financial Officer to award the Bonds in accordance with Section 2 hereof and such financial officer shall report in writing the results of the sale to this Council as required by law.

Section 8. The Mayor and the Chief Financial Officer are hereby severally authorized to execute any certificates or documents necessary or desirable in connection with the sale of the Borough Bonds, and are further authorized to deliver same to the Trust and the State upon delivery of the Borough Bonds and the receipt of payment therefor in accordance with the Loan Agreements.

Section 9. This resolution shall take effect immediately.

Section 10. Upon the adoption hereof, the Borough Clerk shall forward certified copies of this resolution to McManimon & Scotland, L.L.C., bond counsel to the Borough, and Richard T. Nolan, Esq., McCarter & English, LLP, bond counsel to the Trust.

Codification of Ordinances

The Borough Clerk and Attorney gave an explanation of the codification process. The Borough Council requested additional quotes for this service. The Borough Attorney noted that Gallagher Codification Services brings special knowledge and advantages to Hightstown Borough. This item is to be put on the next agenda for further discussion.

Taxi Licensing Ordinance

A copy of the draft Taxi Ordinance was redistributed by the Borough Attorney for discussion and he addressed the changes needed. There was discussion regarding adding the Driver definition, the limit on the number of licenses to be issued, restriction for the transfer of a license, required insurance limits, consent on the issuance of license, denial appeal process, annual fees, points permitted for licensing and the revocation hearing process. It was decided that the Borough Attorney would draft the new ordinance based on this discussion and bring it forward at the next meeting.

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

Eugene Sarafin, 628 S. Main Street – noted his disappointment in the defeat of resolutions 2012-57 and 2012-58, and his pleasure at the adoption of 2012-59; he commented regarding codification services.

Fran Palumbo, 101 Main Street – expressed her concern regarding Mr. Thibault’s comments regarding the staff and she congratulated the remainder of Council for their professionalism.

Isabel McGinty, 152 Broad Street – commented regarding lack of the distribution of the taxi ordinance draft at this meeting; noted that open government was the platform for the newly elected Council members; codification costs and the enforcement of ordinances.

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

Mayor/Council/Administrative Comments and Committee Report

Councilmember Thibault – commented regarding the openness and transparency required of deliberative bodies, recognized that the Professionals are holding their rates; informed Council that the first monthly meeting of Council

members Bluth and Thibault was held at the library and had about 12 people attend with questions and comments, the next one to be on the 19th (3rd Saturday of the month); expressed disappointment in his resolutions not being approved; advised that he will file OPRA requests to get the executive session minutes and post them on his own website; there is a need for an ad-hoc committee for Water/Sewer and COAH.

Councilmember Bluth – attended the Housing Authority meeting and was impressed with the new leadership, the property is 100% occupied; she also attended the Firehouse dinner, the Seminar for new Council members and the first monthly meeting of Council members Bluth and Thibault at the library; she will meet with the court next week.

Councilmember Bibens – welcomed the Police Director; honored the Fireman at the dinner; will meet with the code enforcement staff next week; will be attending the Parks and Recreation meeting and reminded everyone about the new stop sign at South Main and Ward Streets.

Councilmember Doran – there was a joint meeting with the Planning Board and Environmental Commission to discuss the proposed Storm Water Ordinance and it is being re-written; attended the League Seminar which was time well-spent, and Firehouse Dinner which was very nice.

Councilmember Woods – welcomed the new Police Director and is looking forward to working with him and thanked the search committee for a job well-done; mentioned the stop sign at Ward and S. Main Streets; noted that significant action is being taken by the County on the culvert on Franklin Street and she is glad Council could assist in getting action; expressed disappointment in resolution 2012-59 being approved as it will require significant overtime for staff to attend.

Council President Quattrone – welcomed the Police Director; Public Works has 85 tons of salt and sand in stock and a truck in the shop; Memorial Day Parade meeting will be held on Feb 21st at the VFW, volunteers needed; attended the Firehouse dinner and it was very nice; the First Aid will hold their dinner on March 10th and he needs Council member's responses; he voted no on Councilmember Thibault resolutions because they were not discussed with the Council President prior to requesting that they be put on the agenda, the proper process should be followed; the Borough employees work very hard and Council should go there to observe before commenting; the Borough Clerk works at home because there is not enough time and too many interruptions in the office and she should not be expected to work 24 hours per day; Mr. Theokas is doing a great job; he has a lot of faith in the new Police Director.

Mayor Kirson – noted that the culvert is being worked on by the County and they are making good progress, the major repairs to the culvert are being put in the County's budget.

Mayor Kirson asked for a motion to adjourn the meeting. Councilmember Thibault moved to adjourn at 10:55 pm, Councilmember Bluth seconded. All ayes.

Respectfully Submitted,

Debra L. Sopronyi, RMC
Borough Clerk