

Meeting Minutes
Hightstown Borough Council
Regular Meeting
August 20, 2012
6:30 pm

The meeting was called to order by Mayor Kirson at 6:30 pm and he read the Open Public Meetings Act statement which stated, "Adequate notice of this meeting has been given in accordance with the Open Public Meetings Act, pursuant to Public Law 1975, Chapter 231. Said notice was sent to the *Trenton Times* and the *Windsor-Hights Herald*, and is posted in the Borough Clerk's office."

The flag salute followed Roll Call.

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

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

Resolution 2012-210 Authorizing a Meeting Which Excludes the Public

Councilmember Woods moved resolution 2012-210, Councilmember Thibault seconded.

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

Resolution adopted, 6-0

Resolution 2012-210

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 August 20, 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 – Borough Administrator

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: November 20, 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 August 20, 2012

Open Public Meetings Act.

The public meeting was called to order by Council President Quattrone at 7:35 pm and he again read the Open Public Meetings Act statement.

The Flag Salute followed Roll Call.

George Lang, CFO and James LeTellier, Police Director joined the meeting at this time.

Councilmember Thibault asked that resolution 2012-205 be added to the agenda. After discussion it was decided that the discussion on water fluoridation would be held prior to the sewer connection to East Windsor resident's discussion item and resolution 2012-205 would be added directly following the water fluoridation discussion.

Councilmember Woods moved the amended agenda for approval, Councilmember Thibault seconded.

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

Agenda approved as amended.

Mayor Kirson, with the assistance of Acting Lieutenant Frank Gendron's nieces, swore in Frank Gendron as Police Lieutenant to the Hightstown Borough Police Department. Council President and Police Commissioner Larry Quattrone presented Lieutenant Gendron with his Lieutenant bars. Council then congratulated Lieutenant Gendron.

Traffic Issues

Police Director LeTellier addressed Council and informed them that he has a shortage of Crossing Guards; however, the Class I Officers, once hired, will be able to assist with this duty. He noted that he has particular concerns with the intersection of Morrison and Heron and feels that it should be made a three-way stop intersection for the safety of the students. He advised that the Stockton Street post is also very dangerous and there may be a need to permanently station a Special Officer at this location; a Special Officer can direct traffic, where a Crossing Guard cannot. He noted that he will be speaking to the Borough Engineer about the requirements to establish the three-way stop intersection and whether anything can be done at the Stockton Street intersection.

There was discussion and it was suggested that East Windsor be considered in any decision made regarding the Stockton Street intersection; and that a meeting be held with residents in the area of the Morrison Avenue and Heron intersection prior to any changes be made.

The Police Director advised that he will perform a traffic count and evaluation of the area prior to any changes and the Borough Attorney advised that a change to the Borough code would be required for any revisions.

Police Director LeTellier was excused from the meeting at this time.

Association Park Upgrade Presentation

Beverly Asselstine and Pat Duncan of the Parks and Recreation Commission summarized the Commission's plan for the upgrade to Association Park which will include the expansion of existing safety surfacing area to comply with safety standards around equipment, addition of new safety surfacing to comply with safety standards for depth, replacement of sand under the fire truck jungle gym with mulch safety surfacing, expansion of the play space to accommodate a new swing set dedicated to toddlers, replacement of swing hardware and seats on existing swing set, addition of "talk tubes" for interactive play, replacement of benches around the fire truck jungle gym with two new benches, installation of two new trash cans, installation of a new bike rack, installation of new "wear mats" under the swing set and at the slide exit to extend the life of safety surfacing, renovation of the fire truck jungle gym with new paint, adjustments to pathways to provide ADA compliant access, professional installation of the new swing set, as recommended by the Borough's loss control consultant.

Ms. Asselstine explained that 20% of the budget for this project is dedicated to ADA compliance and that all equipment is ground accessible. She distributed a copy of a revised plan to Council which included an expansion of the mulched area to produce ADA accessible routes to the equipment and the addition of an accessible trail into the park. The talk tubes will be installed at ADA compliant height and an ADA compliant swing seat will be included. It is also recommended that the Borough consider a handicap parking spot at the park in the near future.

There was discussion and Mr. Duncan advised Council that the funding for this project is from the Triathlon and no taxpayer funds will be used. Ms. Asselstine noted that the installation of the swing set will be done by a professional as required, but the remainder of the installation of equipment and upgrade to the fire truck will be performed by volunteers; Public Works will install

the mulch.

There was discussion and it was noted that the time frame for the project is completion before the winter season sets in. Mr. Theokas advised Council that resolution 2012-213, which is on the agenda this evening, is to approve the state contract purchase of the new playground equipment for the park. Council thanked the Parks and Recreation Commission for all their hard work and congratulated them on a great job with the plan.

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

Phyllis Deal, 305 Stockton Street – commented that a light is needed at the Stockton Street intersection by the schools, and a 4-way stop is needed at Center and Morrison.

Pat Duncan, 158 Grant Street – commented that he is very pleased with the establishment of police foot patrols in the Borough.

There being no further comments, Council President Quattrone closed the public comment period.

Ordinance 2012-11 First Reading and Introduction – An Ordinance Amending and Supplementing Chapter 2 Entitled “Administration”, Section 2-55, Entitled “Fees for Municipal Services”, of the “Revised General Ordinances of the Borough of Hightstown, New Jersey.”

The Borough Attorney reviewed his previous e-mail to Council in which he stated that following his review of this issue, it is his recommendation to the Council that they either leave the fee in the Ordinance, as is, for all who request this service (regardless of residency), or alternatively, remove the fee entirely and offer the service gratis to all who request it. His concern in crafting an exemption for Borough residents is that it becomes too cumbersome to quantify who, exactly, will be entitled to this exemption, and he is also concerned about the legality of carving out a specific group of people who will not be subject to the fee.

This led him to his second concern, which is from the legal standpoint. Specifically, he is concerned that making any such distinction which favors one class of requestors over another (or others) starts to raise legal red flags, which could subject the Borough to litigation. Municipalities are only supposed to charge fees to compensate the town for the actual time and effort associated with the services that are rendered and not to serve as a general revenue raising device. It takes the same time and effort to perform notary services for in-town residents or property owners as it does for out-of-towners. Our argument for charging everyone in the first place is to compensate the taxpayers for the services that the Borough is providing.... So how can we justify waiving the fee for some requestors and not others?

It was his suggestion to either charge everyone the fee or charge no one. It is up to the Council to make this decision. If the Council determines to do the latter, then the Ordinance may be introduced after the Council simply strikes the notary provision (Subsection 2-55.7) entirely.

There was discussion and Councilmember Bluth stated that she has reviewed several ordinances from various other municipalities and they have exemptions. It was noted that just because it has been done, it is not necessarily correct.

Council President Quattrone moved to introduce ordinance 2012-11, Councilmember Bibens seconded.

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

Ordinance introduced 4-2; Final Reading and Public Hearing to be held on September 4, 2012.

Ordinance 2012-11

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

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 2 ENTITLED “ADMINISTRATION”, SECTION 2-55, ENTITLED “FEES FOR MUNICIPAL SERVICES,” OF THE “REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN, NEW JERSEY.”

WHEREAS, the Mayor and Council wish to amend certain provisions contained within Chapter 2, Section 2-55 of the Borough Code relating to enforcement and penalties as set forth herein.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Borough Council of the Borough of Hightstown, in August 20, 2012

the County of Mercer and State of New Jersey, that Chapter 2, Section 2-55 of the “Revised General Ordinances of the Borough of Hightstown, New Jersey” is hereby amended and supplemented as follows (additions are shown with underline; deletions are shown with ~~strikeout~~):

Section 2-55

FEES FOR MUNICIPAL SERVICES

Subsections:

2-55.1 Inspection of Public Records.

2-55.2 Fees for Copies.

2-55.3 Copying by Person Requesting Documents.

2-55.4 Denial of Examination of Records.

2-55.5 Firearms Applications and Permits.

2-55.6 Returned Check Charge.

2-55.7 Fees for Notary Services.

Subsection 2-55.1 Inspection of Public Records.

In accordance with the provisions of N.J.S.A. 47:1A-2, all records which are required by law to be made, maintained or kept on file by any board, body, agency, department, commission, authority or official of the Borough shall be deemed to be public records. Every citizen of the State shall have the right to inspect such records during regular business hours maintained by the custodian thereof. Every citizen of the State shall also have the right, during regular business hours and under the supervision of the representative of the custodian, to copy such records by hand and to purchase copies of the records. Copies of records shall be made available upon the payment of the price established by law. (Ord. No. 19-1994)

Subsection 2-55.2 Fees for Copies.

The following fees shall be charged for copies of public documents:

- a. For copies of public documents on letter-size or legal-size paper, fees shall be charged in accordance with those listed in N.J.S.A. 47:1A-5(b).
- b. For oversized copies of public documents, the actual cost incurred in making the copy shall be charged. If the document must be copied by another source, e.g. a printer, for duplication, the actual cost paid by the Borough shall be paid by the requestor.
- c. There shall be no charge for electronic transmission of documents via fax or e-mail.
- d. For certified copies of birth certificates, marriage certificates, death certificates, domestic partnership certificates, or depositions, twenty (\$20.00) dollars per certified copy.
- e. Municipal Court discovery and police accident reports
 1. All requests for discovery in matters pending in the Hightstown Municipal Court shall be submitted through the Municipal Prosecutor.
 2. The following fees shall be payable by the requestor to the Borough of Hightstown for the discovery or accident report provided:

- i. For documents on letter-size or legal-size paper, fees shall be charged in accordance with those listed in N.J.S.A. 47:1A-5(b)
 - ii. Actual postage for any discovery or accident report sent by mail
 - iii. \$.25 for the envelope for any discovery or accident report sent by mail
 - iv. Photographs will be photocopied at the rates established herein. If requests are made for duplicate photographs, the actual cost of making the photographs shall be charged.
 - v. Duplication of video tapes constitutes an extraordinary duplication process and will be charged at the rate of \$5.00 per video tape.
 - vi. For any item that cannot be photocopied on the Borough's copy machine or for any item not otherwise provided for in this schedule, the actual cost incurred in making the copy shall be charged.
 - vii. Where the discovery must be obtained from an entity other than the Borough of Hightstown, e.g. another police department, the actual costs paid to the other entity shall be paid by the requestor.
 - viii. There shall be no charge to persons over the age of 65 for discoveries or police accident reports.
- f. For duplicate tax, water and sewer bills, five (\$5.00) dollars each.
- g. For a certificate as to approval of subdivisions, as follows:
 - 1. When the property described in the application is shown on the Assessment Map subdivided into Borough lots and does not exceed five thousand (5,000) square feet in area, three (\$3.00) dollars, and for each additional five thousand (5,000) square feet in area or fraction thereof, an additional fifty (\$0.50) cents.
 - 2. When the property is shown on the Assessment Map as acreage or is so assessed and lies wholly within the limits of a single block, three (\$3.00) dollars, and if within the limits of two (2) or more blocks, an additional one (\$1.00) dollar for each block.
 - 3. When the property described in the application is or has been subdivided and assessed as more than one (1) item, an additional fee of one (\$1.00) dollar shall be allowed for each subdivision separately assessed.
 - 4. Five (\$5.00) dollars shall be the maximum charge for a certificate covering lands lying wholly within one (1) block as shown on the Assessment Map of the Borough, unless there is a subdivision of proprietorship indicated by the assessment.
- h. For a certificate as to approval of subdivision within three (3) years from the date of the original search, one (\$1.00) dollar per year.
- i. For official searches for municipal liens (tax searches) or for improvements authorized but not assessed, ten (\$10.00) dollars.
- j. For a continuation of an official search for municipal liens or for a continuation of an official search for improvements authorized but not assessed, two (\$2.00) dollars per year.
- k. For a duplicate tax sale certificate, one hundred (\$100.00) dollars.
- l. For a full copy of the Revised General Ordinances of the Borough of Hightstown, one hundred (\$100.00) dollars.

- m. For a full copy of the Borough's Master Plan, one hundred and ninety-five (\$195.00) dollars.
- n. For a copy of an audio or video tape, the actual cost of the media and duplication thereof.

(Ord. No. 19-1994; Ord. No. 1998-12 § 1(A)--(E); Ord. No. 2003-32; Ord. No. 2004-03; Ord. No. 2004-13; Ord. No. 2005-09; Ord. No. 2008-09; Ord. No. 2010-17)

Subsection 2-55.3 Copying by Person Requesting Documents.

Where the document in question is more than one hundred (100) pages in length, the Clerk may permit the person requesting copies to use his own copying machine, provided that there is no risk of damage or mutilation of the document and it would not be compatible with the transaction of public business. Such determination shall be completely within the discretion of the Clerk. The fee in such case shall be fifteen (\$15.00) dollars per day. (Ord. No. 19-1994)

Subsection 2-55.4 Denial of Examination of Records.

Notwithstanding the provisions of subsection 2-33.1, where it appears that the records which are sought to be examined pertain to an investigation in progress by any body, agency, commission, board, authority or official, the right of examination may be denied if the inspection, copying or publication of the records would be inimical to the public interest, provided that this provision shall not be construed to prohibit any body, agency, commission board, authority or official from opening such records to public examination if not otherwise prohibited by law. (Ord. No. 19-1994)

Subsection 2-55.5 Firearms Applications and Permits.

The following fees will be charged as determined by the State of New Jersey:

Federal and State Applicant Card	\$49.00
Mental Health	\$15.00
Firearms purchaser identification card	\$5.00
Permit to purchase a pistol or revolver	\$2.00
<u>SBI Names Check</u>	

(New)

Subsection 2-55.6 Returned Check Charge.

A fee of ~~twenty-five (\$25.00) dollars~~ will be charged for any check returned to the Borough unpaid for insufficient funds at the maximum allowable rate in accordance with N.J.S.A. 40:5-18. (Ord. No. 1998-12 § 1(F); Ord. No. 2008-09)

Subsection 2-55.7 Fees for Notary Services.

A fee of two dollars and fifty cents (\$2.50) will be charged per signature notarized for each of the following services:

- a. Administering an oath/affirmation
- b. Executing a jurat
- c. Taking proof of a deed (proof of execution)
- d. Taking an acknowledgement

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

BE IT FURTHER ORDAINED, that in the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to that portion of the Ordinance actually adjudged to be invalid, and the remaining portions of this Ordinance shall be deemed severable therefrom and shall not be affected; and

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

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

Mayor Kirson opened the public hearing on ordinance 2012-13, there being no comments the public hearing was closed.

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

There was discussion on the life of a copier; and George Lang, CFO, explained that two ordinances are necessary because one is for the Water Plant, which is a utility.

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

Ordinance adopted 6-0.

ORDINANCE 2012-13

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

1BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$262,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$249,500 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

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

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized to be undertaken by the Borough of Hightstown, in the County of Mercer, New Jersey (the "Borough") as general improvements. For the several improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$262,000, including the aggregate sum of \$12,500 as the several down payments for the improvements or purposes required by the Local Bond Law. The down payments have been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments, negotiable bonds are hereby authorized to be issued in the principal amount of \$249,500 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

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

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

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

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

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

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

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 10.76 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$249,500, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

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

Section 7. The Borough hereby declares the intent of the Borough to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

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

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

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

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

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

Mayor Kirson opened the public hearing on ordinance 2012-14, there being no comments the public hearing was closed.

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

There was discussion regarding the water plant being eligible for FEMA mitigation grants. Mr. Theokas advised that the water plant is considered a pumping station and therefore is not FEMA eligible, however the grant information forwarded to him by Council at the last meeting is being researched for eligibility. Discussion continued and it was confirmed that the projects for the water plant will not proceed until grant eligibilities are clarified and researched; Mr. Theokas reminded Council that they must approve the bid and contract process prior to any work being performed; the approval of the bond ordinance simply puts the funds in place to move forward.

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

Ordinance adopted 6-0.

ORDINANCE 2012-14

*BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER*

August 20, 2012

1BOND ORDINANCE PROVIDING FOR VARIOUS WATER-SEWER IMPROVEMENTS IN AND BY THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$132,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$122,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING THE COST THEREOF

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

Section 1. The improvements described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Borough of Hightstown, in the County of Mercer, New Jersey (the "Borough"). For the improvements or purposes described in Section 3, there is hereby appropriated the sum of \$132,000. Although, no down payments are required as the purposes authorized herein are deemed self-liquidating and the obligations authorized herein are deductible from the gross debt of the Borough, as more fully explained in Section 6(e) of this bond ordinance, an aggregate amount of \$10,000 is nevertheless provided. The down payments have been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvements or purposes not covered by application of the down payments, negotiable bonds are hereby authorized to be issued in the principal amount of \$122,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

<u>Purpose</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
a) Roof replacement, including all work and materials necessary therefor and incidental thereto.	\$30,000	\$27,000	15 years
b) Mitigation water plant improvements, including all work and materials necessary therefor and incidental thereto.	<u>\$102,000</u>	<u>\$95,000</u>	15 years
TOTALS	<u>\$132,000</u>	<u>\$122,000</u>	

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

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this

bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

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

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are improvements or purposes that the Borough may lawfully undertake as self-liquidating purposes of a municipal public utility. No part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 15 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$122,000, but that the net debt of the Borough determined as provided in the Local Bond Law is not increased by this bond ordinance. The obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$12,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements.

(e) This bond ordinance authorizes obligations of the Borough solely for purposes described in N.J.S.A. 40A:2-7(h). The obligations authorized herein are to be issued for a purpose that is deemed to be self-liquidating pursuant to N.J.S.A. 40A:2-47(a) and are deductible from gross debt pursuant to N.J.S.A. 40A:2-44(c).

Section 7. The Borough hereby declares the intent of the Borough to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

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

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

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

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

Resolution 2012-211 Payment of Bills

Councilmember Woods requested that Items E0576 and E0577 be pulled and voted separately.

August 20, 2012

Council President Quattrone moved Resolution 2012-211 without items E0576 and E0577, Councilmember Woods seconded.

Councilmember Thibault clarified that items F0150 to Freedom Fest State Fair and item SF001 to Six Flags were for field trips by the attendees at the Summer Camp at Dawes Park.

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

Councilmember Bibens moved items E0576 and E0577 on the bills list, Councilmember Thibault seconded.

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

Resolution adopted 5-0 with one abstention.

Resolution 2012-211

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

AUTHORIZING PAYMENT OF BILLS

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the bills be paid on audit and approval of the Borough Administrator, appropriate Department Head and the Treasurer in the amount of \$1,910,020.58 from the following accounts

Current	\$ 1,565,762.27
W/S Operating	68,635.20
General Capital	
Water/Sewer Capital	265,092.30
Grant	5,250.00
Trust	2,953.61
Housing Trust	1,909.70
Animal Control	
Law Enforcement Trust	
Housing Rehab Loans	
Unemployment Trust	
Escrow	417.50
Federal Forfeiture	-
Total	<u><u>\$ 1,910,020.58</u></u>

Resolution 2012-212 Requesting Approval for Insertion of a Special Item of Revenue in the 2012 Budget

Councilmember Thibault moved Resolution 2012-212, Councilmember Bibens seconded.

August 20, 2012

George Lang explained that this is for the Green Communities Grant acquired by the Shade Tree Officer.

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

Resolution adopted 6-0.

Resolution 2012-212

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

**REQUESTING APPROVAL FOR INSERTION OF A SPECIAL ITEM OF REVENUE
IN THE 2012 BUDGET**

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for equal amount;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Hightstown hereby request the Director of the Division of Local Government Services to approve the insertion of a special item of revenue and equal appropriation in the budget of the Borough of Hightstown for the year 2012 as follows:

Source	Amount	Revenue Title	Appropriation Title
State of New Jersey	\$3,000.00	Division of Parks and Forestry- Green Communities Grant	Division of Parks and Forestry- Green Communities Grant

Resolution 2012-213 Authorizing a State Contract Purchase for Association Park – Playground Equipment

Councilmember Thibault moved Resolution 2012-213, Councilmember Bibens seconded.

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

Resolution adopted 6-0.

Resolution 2012-213

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

**AUTHORIZING A STATE CONTRACT PURCHASE FOR ASSOCIATION PARK – PLAYGROUND
EQUIPMENT**

WHEREAS, there is a need for an upgrade to Association Park for safety compliance and new playground equipment; and

WHEREAS, the Parks and Recreation Commission has developed a plan that will include the expansion of existing safety surfacing area to comply with safety standards around equipment, addition of new safety surfacing to comply with safety standards for depth, replacement of sand under the fire truck jungle gym with mulch safety surfacing, expansion of the play space to accommodate a new swing set dedicated to toddlers, replacement of swing hardware and seats on existing swing set, addition of "talk tubes" for interactive play, replacement of benches around the fire truck jungle gym with two new benches, installation of two new trash cans, installation of a new bike rack, installation of new "wear mats" under the swing set and at the slide exit to extend the life of safety surfacing, renovation of the fire truck jungle gym with new paint, adjustments to pathways to provide ADA compliant access, professional installation of the new swing set, as recommended by the Borough's loss control consultant; and

August 20, 2012

WHEREAS, Community volunteers will be used for the fire truck jungle gym renovation and installation of miscellaneous accessories (benches, trash cans, bike rack); and

WHEREAS, the Public Works Department will install the required mulch and Whirl Construction, Inc. will professionally install the swing unit; and

WHEREAS, the Parks and Recreation Commission, in conjunction with the Qualified Purchasing Agent has found pricing and availability for the new safety compliant playground equipment through New Jersey State Contract at a cost of \$9,845.00; and

WHEREAS, it is the recommendation of the Purchasing Agent and Parks and Recreation Commission that the Playground Equipment be purchased under state contract #81411/ T0103 from GameTime, c/o Marturano Recreation, P. O. Box 106, Spring Lake, New Jersey 07762, for an amount not to exceed \$9,845.00; and

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

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Qualified Purchasing Agent is hereby authorized to purchase Playground Equipment from Gametime, c/o Marturano Recreation, P. O. Box 106, Spring Lake, New Jersey 07762, for an amount not to exceed \$9,845.00.

Resolution 2012-214 Authorizing an Agreement for Acceptance and Processing of Septic Waste Water, Gray Water and/or Fats and Grease – Joseph Carbin Plumbing

Councilmember Woods moved Resolution 2012-214, Councilmember Bibens seconded.

There was discussion confirming that what is being accepted is not from out of state.

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

Resolution adopted 6-0.

Resolution 2012-214

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

**AUTHORIZING AGREEMENT FOR ACCEPTANCE AND PROCESSING OF
SEPTIC WASTE WATER, GRAY WATER AND/OR FATS AND GREASE – JOSEPH CARBIN
PLUMBING**

WHEREAS, Joseph Carbin Plumbing of Clarksburg, New Jersey has requested the use of the Borough of Hightstown Advanced Wastewater Treatment Plant for delivery of septic waste water, gray water and/or fats and grease; and,

WHEREAS, their request has been reviewed and approved by the Superintendent of the Advanced Wastewater Treatment Plant, and they have submitted a signed agreement along with the required Certificate of Insurance.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the agreement with Joseph Carbin Plumbing for acceptance and processing of septic waste water, gray water and/or fats and grease is hereby approved, and the Mayor and Borough Clerk are authorized to execute same.

Resolution 2012-215 Authorizing Release of Performance Guarantee and Release of Amounts Remaining in Escrow – GVF Construction LLC (Block 63.01/Lots 5.01 and 6.01)

Councilmember Bibens moved Resolution 2012-215, Councilmember Doran seconded.

The Borough Clerk explained that the developer has requested that Council waive the maintenance bond on this project, however the letter from the Borough Engineer did not make a recommendation that they do so; therefore the resolution is August 20, 2012

written so that a maintenance bond is required. If Council so chooses to eliminate the requirement for the maintenance bond, they can do so and she will revise the resolution accordingly. After discussion it was decided that the resolution would be adopted as written, with the requirement for a maintenance bond.

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

Resolution adopted 6-0.

Resolution 2012-215

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

**AUTHORIZING RELEASE OF PERFORMANCE GUARANTEE AND RELEASE OF AMOUNTS
REMAINING IN ESCROW – GVF CONSTRUCTION LLC (BLOCK 63.01/LOTS 5.01 AND 6.01)**

WHEREAS, in August 2010, GVF Construction LLC posted a performance guarantee with the Borough of Hightstown in the amount of \$33,498.36 in the form of a bond and cash in the amount of \$3,722.04, along with escrow monies relative to work known as a Minor Subdivision on South Main Street (aka 567 South Main Street), Block 63.01/Lots 5.01 and 6.01; and

WHEREAS, GVF Construction LLC has requested the release of said performance bond and escrow; and

WHEREAS, the Borough Engineer has inspected the project and has approved said project; and

WHEREAS, \$400.00 of the remaining escrow funds will be retained for re-inspection prior to the expiration of the maintenance guarantee, and release of the remaining escrow balance; and

WHEREAS, the release of the performance bond and escrow funds are subject to payment of all outstanding fees and accounts.

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

1. The Clerk is authorized and directed to release to GVF Construction LLC the performance bond held relative to the Planning Board application as detailed herein.
2. The Treasurer is authorized and directed to release to GVF Construction LLC the cash portion of the performance bond and all of the amounts remaining in the escrow account for this project less the \$400.00 for re-inspection prior to the expiration of the maintenance guarantee, subject to certifications from the Borough's professionals that all amounts due to them for this project have been fully paid.
3. A certified copy of this Resolution shall be provided to the following:
 - a. GVF Construction LLC
 - b. George Lang, Chief Financial Officer
 - c. Susan Jackson, Planning Board Secretary
 - d. Carmela Roberts, Borough Engineer
 - f. Gary Rosensweig, Planning Board Attorney

Water Fluoridation

Councilmember Thibault introduced Jill Swanson, Borough Health Officer; Sharon Lane, Borough Nurse; and Ann Dandurand, Board of Health Chair. Councilmember Doran thanked Ms. Swanson for sending the Council the information that was requested at the last meeting.

Ms. Dandurand addressed Council and noted that the fluoride is being used in a very low, safe dose and reviewed the benefits of having fluoride in the water supply of communities. She noted that this will benefit the most vulnerable.

Council President Quattrone commented that putting fluoride in the water does not leave the public a choice as to whether they use fluoride; he recommends that Council accept the determinations and opinions of the professionals in the matter.

He also noted that the process to add the fluoride back in to the water supply will take some time because repairs to the plant must be made and safety equipment for the safe handling of the chemical must be acquired before the process begins.

Mr. Theokas advised that public notice for the addition of the fluoride to the water supply will be completed in compliance with DEP requirements.

There was discussion regarding the additional equipment needed to re-fluoridate the water supply and the safety of staff while handling the chemical; dental benefits of fluoride; EPA studies; proposed legislation to mandate the use of fluoride; and trusting the advice of the health professionals.

Resolution 2012-205 Authorizing and Directing the Hightstown Water Department to Resume Fluoridation of the Water Supply

Councilmember Thibault moved Resolution 2012-205, Council President Quattrone seconded.

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

Resolution adopted 5-1.

Resolution 2012-205

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

AUTHORIZING AND DIRECTING THE HIGHTSTOWN WATER DEPARTMENT TO RESUME FLUORIDATION OF THE WATER SUPPLY

WHEREAS, the Hightstown Water Department stopped fluoridation of the water supply in September 2010 due to malfunctioning fluoridation equipment; and

WHEREAS, the equipment required for fluoridation of the water supply has been repaired; and

WHEREAS, the Board of Health has endorsed resuming fluoridation to the water supply; and

WHEREAS, the Hightstown Borough Water Department will follow all New Jersey Department of Environmental Protection requirements regarding resident notification and procedures for the resumption of fluoride into the Hightstown Borough water supply.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Hightstown Water Department is hereby authorized and directed to resume water fluoridation of the water supply and to follow all New Jersey Department of Environmental Protection requirements regarding resident notification for same.

Sewer Connection to East Windsor Residents

Ms. Sopronyi, Borough Clerk, explained that she has been contacted by a resident on Old York Road in East Windsor regarding re-kindling a request from 2004 to connect to the sewer system from Hightstown. Ms. Sopronyi explained that she researched and reviewed the previous documentation on the matter, and also contacted the Borough Engineer. Due to the time that has passed since the initial request, the process for the request must begin anew and the resident has been advised of same. She has also been advised that each of the four residents, who she is representing, must submit a written request to be connected before the process begins, as well as post an escrow to cover any Borough cost in this endeavor.

There was discussion and the Clerk advised that she was bringing this to Council's attention because it will come before them for final approval should the requests be received.

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

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Scott Caster, 12 Clover Lane – acknowledged the research on fluoridation and saluted Councilmember’s Bluth opposition to fluoridation; noted that it is almost one year since Hurricane Irene.

Melanie Alio, 158 Grant Street – referenced a news article in which a township is applying for \$200,000 in grants for home revitalization.

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

Mayor/Council/Administrative Comments and Committee Reports

Councilmember Woods – commented that this has been a productive and positive meeting; congratulated Ashley Peskoe on her appointment to NJ.com

Councilmember Bibens – gave kudos to the Parks and Recreation Commission and suggested that a grand re-opening be held once the park is upgraded; commented that this has been a great meeting and Hightstown is an amazing community.

Councilmember Bluth – reminded the public that there is a special meeting regarding Borough Hall on Thursday at the Historical Society beginning at 7:00pm.

Council President Quattrone – thanked the Parks and Recreation Commission for all their hard work; noted that Downtown Hightstown is doing better than ever; requested that Mr. Theokas speak with the Borough Engineer to see if there is a solution to the puddling of water in front of businesses on Main Street following a heavy down pour of rain. He thanked Council for a great meeting.

Councilmember Bibens moved to adjourn at 9:02 pm, Council President Quattrone seconded. All ayes.

Respectfully Submitted,

Debra L. Sopronyi, RMC
Borough Clerk