

Meeting Minutes
Hightstown Borough Council
Regular Meeting
March 18, 2013

6:00 pm

The meeting was called to order by Mayor Kirson at 6:03 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; James LeTellier, Police Director; Eric Bernstein, Labor Counsel; Frederick Raffetto, Borough Attorney; and Eric Bernstein, Labor Counsel.

Resolution 2013-69 Authorizing a Meeting Which Excludes the Public

Councilmember Thibault requested that the Miller litigation discussion occur last in executive session.

Councilmember Doran requested that Public Safety be added to resolution 2013-69.

Fred Raffetto, Borough Attorney requested that Castoro be added to litigation and that Lexington Insurance and 100/102 Mercer Street be added to contract negotiations. He noted that Mr. Bloom, Project Manager, will arrive at approximately 7pm to discuss these matters.

Councilmember Thibault moved resolution 2013-69 as amended, Councilmember Woods seconded.

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

Resolution adopted, 5-0

Resolution 2013-69

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 March 18, 2013 at approximately 6:00 pm in the First Aid Building located on Bank Street, Hightstown that will be limited only to consideration of an item or items with respect to which the public may be excluded pursuant to section 7b of the Open Public Meetings Act.

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

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Personnel – Borough Administrator

Litigation – Miller & Castoro

Contract Negotiations – Greystone Property, Lexington Insurance & 100/102 Mercer Street

Public Safety

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: June 18, 2013 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 7:50 pm and he again read the Open Public Meetings Act statement.

The Flag Salute followed Roll Call. George Lang, CFO and Carmela Roberts, Borough Engineer joined the meeting at this time; Councilmember Bibens and Dawson Bloom, Project Manager had arrived during the executive session and were now also present. Eric Bernstein, Labor Counsel had departed the meeting during executive session and was no longer present.

Councilmember Doran requested that the details communication/decision path, temporary Police Department, temporary Administrative Offices and Borough Hall be added to the Borough Hall/Temporary Administrative Offices be broken out under the discussion item.

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

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

Agenda approved as amended.

Mayor Kirson swore in Police Officer Jesse Toma Class II and Council President/Police Commissioner Quattrone presented him with his badge.

Mayor Kirson swore in Class II Officer Tyler DiStefano and Council President/Police Commissioner Quattrone presented him with his badge.

He welcomed them to the Hightstown Borough Police Department.

Council President Quattrone moved the January 7, 2013 executive session minutes for approval, Councilmember Bibens seconded.

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

Minutes approved.

Councilmember Bibens moved the January 22, 2013 open session minutes for approval, Councilmember Bluth seconded.

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

Minutes approved.

Councilmember Woods moved the January 22, 2013 executive session minutes for approval, Councilmember Bluth seconded.

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

Minutes approved.

Council President Quattrone moved the February 13, 2013 budget session minutes for approval, Councilmember Woods seconded.

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

Minutes approved.

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Resolution 2013-70 Authorizing Payment #2 – Clyde N. Lattimer & Son Construction Company, Inc. (Primary Clarifier Upgrade)

Councilmember Bibens moved resolution 2013-56, Council President Quattrone seconded.

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

Resolution adopted 6-0.

Resolution 2013-70

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

AUTHORIZING PAYMENT # 2 – CLYDE N. LATTIMER & SON CONSTRUCTION COMPANY, INC. (PRIMARY CLARIFIER UPGRADE)

WHEREAS, on February 6, 2012 the Borough Council awarded a contract for Primary Clarifier Upgrade to Clyde B. Lattimer & Son Construction Co., Inc. of Berlin, New Jersey in the amount of \$148,400.00; and

WHEREAS, the contractor has submitted payment request #2 related to equipment and storage for the project in the total amount of \$71,540.00; and

WHEREAS, the Borough Engineer has recommended approval of payment #2 to Clyde B. Lattimer & Son Construction Co., Inc. in the amount of \$71,540.00; and

WHEREAS, the required certified payrolls have been submitted; 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 Payment Request No. 2 from Clyde B. Lattimer & Son Construction Co., Inc. of Berlin, New Jersey in the amount of \$71,540.00 is hereby approved as detailed herein, and the Treasurer is authorized to issue same.

Resolution 2013-71 Authorizing Payment #7 to Liberty Construction & Development, Inc. (Water Treatment Filter)

Councilmember Woods moved resolution 2013-71, Councilmember Bibens seconded.

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

Resolution adopted 6-0.

Resolution 2013-71

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

**AUTHORIZING PAYMENT NO. 7 TO LIBERTY CONSTRUCTION & DEVELOPMENT, INC.
(WATER TREATMENT PLANT FILTER)**

WHEREAS, resolution 2012-114 adopted on April 16, 2012 awarded the contract for the Water Treatment Filter to Liberty Construction & Development, Inc. of Belle Mead, New Jersey in the amount of \$497,000.00; and

WHEREAS, the contractor has submitted payment request No. 7 for work related to carpentry, electrical and piping installation in the total amount of \$56,791.00; and

WHEREAS, the Borough Engineer has recommended approval of payment No. 7 to Liberty Construction & Development, Inc in the amount of \$56,791.00; and

WHEREAS, the certified payroll has been received; 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 Payment Request No. 7 from Liberty Construction & Development, Inc. of Belle Mead, New Jersey in the amount of \$56,791.00 is hereby approved as detailed herein, and the Treasurer is authorized to issue same.

Water and Sewer Capital Improvements

The Borough Engineer reminded Council that these projects were funded by a NJEIT Loan and noted that several projects required additional work that was unexpected; there is no remaining funding in the bond. There were several delays in the contract for the primary clarifier due to Super storm Sandy and requests from the AWWTP Superintendent so he could continue to take in gray water to collect approximately \$30,000 in revenue. Termites were found at the Water Plant requiring extra work, and the Water Plant Operator has requested that different, longer life valves be used; there are also additional Engineering fees associated with the additional work. She recommended that the bond ordinance be amended to include the additional funds needed to complete the projects and that Council approve the extension dates for the contracts. There was discussion regarding the valves and increased cost, items that were not obvious until construction began that potential additional needed repairs, engineering fees, and contract delays and responsibilities. Council requested that the bond amendment ordinance be placed on the April 1st agenda.

Borough Hall/Temporary Administrative Offices

Dawson Bloom, Project Manager for the project, reviewed his progress memo:

Borough Hall Reconstruction

On March 1, 2013 I sent the bid costs for the modulars to the insurance adjuster for review. On March 12, I spoke with the adjuster regarding several items:

1. I reiterated that any settlement regarding the Lucas property was off of the table and to notify the insurance carrier accordingly. I followed up on this in an email to him on March 13.
2. He indicated that he had forwarded the costs for the modulars and site work to the insurance carrier's consultant J.S. Held but had not heard back. He said he would follow up. He did indicate to me that he thought the costs were recoverable.
3. I informed him that the Borough was also considering some storefront lease for the administrative offices and as soon as I had details I would provide them to him.
4. I informed the adjuster that the Borough re-iterated its position regarding the complete demolition and reconstruction of Borough Hall at its current location and that would be the basis of our discussion moving forward.
5. We agreed to schedule a conference call for the week of March 18 with myself, Councilwoman Woods and the adjuster to continue the discussion on the resolution of the claim.

On March 13, 2013 I spoke with the adjuster to follow up on the information I had sent to him regarding the Interim Facilities and Site Work costs. He indicated that, according to the policy, there was a sub-limit on the Limit of Liability for the policy and that all costs for the reconstruction, inclusive of interim costs and soft costs were subject to this limit of liability.

The adjuster sent me some documentation which discussed the deductibles, extra expense costs, including costs for demolition and code compliance, and the Limit of Liability he had mentioned in our telephone conversation. After initially reading the documents, I believed that the costs for the interim facilities were covered outside the Limit of Liability, which would be consistent with the Borough's current understanding regarding the various costs associated with this claim. I emailed the adjuster to further clarify my understanding and he indicated that Lexington, the insurance carrier, had indicated that all cost were subject to the Limit of Liability.

I am currently reviewing the Borough's Insurance policy to confirm the information which I have recently received and I am also recommending to Council that a professional with expertise in interpreting insurance policy language (Public Adjuster or

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Attorney) be engaged to independently provide the Borough with an assessment of its coverage limits and Limits of Liability. Once the policy coverages are assessed on the Borough's behalf we can appropriately plan our strategy for resolving this claim.

Interim Police Facility

The modular police facility has been re-advertised and bids are schedule to be received on Friday March 22, 2013 at 11:00 a.m. The associated Site Improvements have also been re-advertised separately and are schedule to be received on Friday, March 22, 2013 at 11:15 a.m.

The Borough Engineer reviewed the NJDEP Permit requirements for the proposed Site Improvements for the interim facilities and reported the following:

1. The site, Block 30, Lots 4, 5, 6 and 7 is outside of the 150' Riparian Zone but is within the Flood Hazard (100 yr. Flood) limit based upon the current adopted 1977 FEMA Flood Maps.
2. Site Improvements can be completed in accordance with 7:13-7.2.a.2 of the Flood Hazard Control Act. This is a Permit-by-Rule which allows for "constructing at or below grade in a Flood Hazard Area."
3. The Borough is required to provide a 14-day notice prior to the start of construction activities in accordance with 7:13-7.1.d of the Flood Hazard Control Act.

Interim Administrative Offices

I have received confirmation from Mobilease Modular that they agree to hold their bid price for the Modular Administrative and Storage facilities for an additional 60 days.

On March 12, 2013 I met with Mr. Adlerman regarding the properties at 100A and 102 Mercer Street. He provided me with a standard lease agreement which I have forwarded to Councilwoman Woods and Mr. Raffetto. The following are the specifics related to the lease:

1. Monthly rent for both properties would total \$3,310.00 broken down as: \$1,110.00/mo for 100A and \$2,200.00/mo for 102.
2. He is requesting 2 months security deposit.
3. All utility costs are paid by the tenant.
4. He is open to the suggested renovations.

On Friday, March 15, Mr. Adlerman's contractor to describe the renovations and obtain an estimated cost. He will contact the Borough's construction official to review any addition requirements and will provide an estimate to me next week.

Schedule of Immediate Tasks

Based upon the Critical Path items and scheduled meeting dates, I have put together a timeline for the following items:

Borough Hall Bond Ordinance

Introduction	March 18, 2013
2 nd Reading	April 1, 2013
Funds Available	April 26, 2013

Lease for Block 30 Lots 4, 5, 6 and 7

Introduction	Completed
2 nd Reading	As late as April 1, 2013
Funds available	April 25, 2013

Sitework and Modulares

Receive bids	March 22, 2013
Recommend award	March 29, 2013
2 nd Reading Interim Lease	April 1, 2013
2 nd Reading Borough Hall Ordinance	April 1, 2013

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Ordinances Clear Waiting	April 26, 2013
Award Contracts for Site and Modulares	April 29, 2013
<i>Sitework</i>	
Submit 14-day notice to DEP	before April 25, 2013
NTP Sitework	May 9, 2013
45 days to complete Sitework	June 22, 2013
<i>Police Modular</i>	
NTP Modular	May 9, 2013
Fabrication & Delivery/Setup	September 29, 2013
IT/Communications	October 14, 2013
Move-In	October 21, 2013

Storefronts

Negotiate Lease	March 29, 2013
Lease Ordinance	April 1, 2013
1 st Reading	April 1, 2013
2 nd Reading	April 15, 2013
Funds Authorized	May 9, 2013
Execute Lease	May 9, 2013
Complete Renovations	June 9, 2013
T-1/Communication Install	June 6, 2013 – July 9, 2013
Move-In	June 14, 2013

There was discussion regarding code violations at the temporary police facilities and Mr. Theokas advised that the landlord is handling the plumbing issue; the ductwork for the ventilation in the processing room exists and the system needs to be connected to electricity; CO issues are being handled by both the Borough and landlord; and the PEOSHA paperwork issue has been resolved.

Mr. Bloom advised that he confirmed with 1st Constitution Bank that the Borough is not interested in purchasing the property, and the Borough Attorney is sending a letter on the matter.

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

Phyllis Deal, 305 Stockton Street – inquired about the possible noise at 100/102 Mercer Street caused by the Zumba class upstairs; advised that the Animal Welfare Committee is hosting a fundraiser at the Roasting Post.

Eugene Sarafin, 628 S. Main Street – commented regarding FEMA, flood maps and current history; noted that he has contacted the insurance company, 1st Constitution Bank and will contact NJDEP tomorrow to delay this project of building in a flood zone; commented that Councilmember Thibault has a suit against the Borough and is acting on police business and that it was an intelligent decision to amend the bond ordinance.

J P Gibbons, 602 N. Main Street – commented that he is appalled with Eugene Sarafin's actions and comments; requested a letter from the Attorney go out to NJDEP, the bank and insurance company to let them know that he is not a Borough representative; thanked the Project Manager for the timeline.

Scott Caster, 12 Clover Lane – commented that he is disappointed in the budget process and high taxes.

Keith LePrevost, 213 Greeley Street – thanked Council for appointing Brent Rivenburgh to the Housing Authority and noted the ongoing projects at the Authority.

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

Ordinance 2013-06 First Reading and Introduction – Bond Ordinance Providing for the Construction of a New Municipal Building in and by the Borough of Hightstown, in the County of Mercer, New Jersey, Appropriating \$3,375,000 Therefor and Authorizing the Issuance of \$475,000 Bond or Notes of the Borough to Finance a Part Thereof

Council President Quattrone moved ordinance 2013-06 for introduction, Councilmember Bibens seconded.

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

Ordinance introduced 5-1; Public Hearing to be held on April 1, 2013.

Ordinance 2013-06

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

A BOND ORDINANCE PROVIDING FOR THE CONSTRUCTION OF A NEW MUNICIPAL BUILDING IN AND BY THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$3,375,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$475,000 BOND OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

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

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Borough of Hightstown, in the County of Mercer, New Jersey (the "Borough") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$3,375,000, including the sum of \$25,000 as the down payment required by the Local Bond Law and further including \$2,875,000 from insurance proceeds (the "Insurance Proceeds"). The down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment and the Insurance Proceeds, negotiable bonds are hereby authorized to be issued in the principal amount of \$475,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3.(a) The improvement hereby authorized and the purpose of the financing which the bonds are to be issued is the construction of a new municipal building at 148 North Main Street (Block 30, Lots 10, 11 and 12); the construction of interim administrative and police facilities possibly on the properties designated as Block 30, Lots 4, 5, 6, and 7 on the Borough's Tax map or other alternate sites should it be necessary; and further including all work and materials necessary therefore and incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

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 March 18, 2013

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

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

(a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Borough may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this ordinance, is 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 \$475,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$750,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

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

Section 8. Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or, if other than the Insurance Proceeds referred to in Section 1 hereof, 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 2013-07 First Reading and Introduction – Bond Ordinance Providing for Improvements to the Peddie Lake Dam Walking Bridge in and by the Borough of Hightstown, in the County of Mercer, New Jersey, Appropriating \$210,000 Thereof and Authorizing the Issuance of \$200,000 Bond or Notes of the Borough to Finance Part of the Cost Thereof

March 18, 2013

Councilmember Bibens moved ordinance 2013-07 for introduction, Council President Quattrone seconded.

Mayor Kirson reviewed the discussion held on this matter at the last meeting.

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

Ordinance introduced 6-0. Public Hearing to be held on April 1, 2013.

Ordinance 2013-07

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

**A BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO THE PEDDIE LAKE DAM WALKING BRIDGE
IN AND BY THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY,
APPROPRIATING \$210,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$200,000 BOND OR NOTES OF
THE BOROUGH TO FINANCE PART OF THE COST THEREOF**

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

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Borough of Hightstown, in the County of Mercer, New Jersey (the "Borough") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$210,000, including the sum of \$10,000 as the down payment required by the Local Bond Law. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$200,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is improvements to the Peddie Lake Dam walking bridge, including all work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

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 improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Borough may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this ordinance, is 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 \$200,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$35,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

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

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

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

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

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

Ordinance 2013-05 Final Reading and Public Hearing – An Ordinance Authorizing the Borough of Hightstown to Lease Certain Real Properties Located Along Ban and Mechanic Streets, More Commonly Known and Designated as block 30, Lots 4, 5, 6 and 7 on the Borough's Tax Map, from Greystone Capital Partners, for the Placement of Modular Facilities to

Provide Temporary Office Space for Certain Borough Operations, and Authorizing the Appropriate Borough Official to Execute all Necessary Documents Associated Therewith

Councilmember Woods moved to table ordinance 2013-05 until funds are available, Councilmember Thibault seconded.

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

Ordinance tabled 6-0.

Ordinance 2013-05

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

AN ORDINANCE AUTHORIZING THE BOROUGH OF HIGHTSTOWN TO LEASE CERTAIN REAL PROPERTIES LOCATED ALONG BANK AND MECHANIC STREETS, MORE COMMONLY KNOWN AND DESIGNATED AS BLOCK 30, LOTS 4, 5, 6 AND 7 ON THE BOROUGH'S TAX MAP, FROM GREYSTONE CAPITAL PARTNERS, FOR THE PLACEMENT OF MODULAR FACILITIES TO PROVIDE TEMPORARY OFFICE SPACE FOR CERTAIN BOROUGH OPERATIONS, AND AUTHORIZING THE APPROPRIATE BOROUGH OFFICIALS TO EXECUTE ALL NECESSARY DOCUMENTS ASSOCIATED THEREWITH.

WHEREAS, Greystone Capital Partners (also referenced as the "Landlord") is the owner of certain parcels of real property located along Bank and Mechanic Streets in the Borough of Hightstown (also referenced as the "Borough"), more commonly known and designated as Block 30, Lots 4, 5, 6 and 7 on the Borough's Tax Map (hereinafter collectively referenced as the "properties"); and

WHEREAS, the properties are physically situated behind the "Ely House," and comprise a cumulative total land area of approximately 0.44 of an acre (measuring approximately 168' x 114'); and

WHEREAS, the properties are currently vacant and the only improvements that are constructed thereon at the current time are parking lots which are of an asphalt/macadam substance; and

WHEREAS, the Borough wishes to acquire an interest in the properties by way of a lease agreement so that the Borough may utilize the properties for the erection and placement of modular facilities to provide temporary office space(s) for the Borough's municipal operations, including but not limited to the Borough's administrative offices and the Borough's Police Department (also referenced as the "project"); and

WHEREAS, the project is necessary as a result of the damages sustained to the former Borough Hall facilities as a result of Hurricane Irene, which occurred in August of 2011 and which caused the former Borough Hall facilities to become uninhabitable; and

WHEREAS, following negotiation, the Borough and the Landlord have reached an agreement regarding the terms and conditions associated with this understanding; and

WHEREAS, said terms and conditions are contained in a proposed Lease Agreement, a copy of which is attached hereto and made a part hereof (copies of the proposed Lease Agreement are available at no cost from the Borough Clerk's office during regular business hours); and

WHEREAS, the Mayor and Borough Council believe that the proposed Lease Agreement is in the best interests of the residents of the Borough; and

WHEREAS, the Mayor and Borough Council have previously referred the project to the Planning Board, pursuant to the New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-1, *et seq.*, and specifically N.J.S.A. 40:55D-31, for review and recommendation in conjunction with the Borough's Master Plan; and

WHEREAS, the New Jersey Local Lands and Buildings law, N.J.S.A. 40A:12-1, *et seq.*, and specifically N.J.S.A. 40A:12-5(a)(1), authorizes a municipality, by ordinance, to provide for the acquisition of any real property by purchase or lease; and

WHEREAS, the Mayor and Borough Council wish to authorize the appropriate Borough Officials to execute the attached Lease Agreement on behalf of the Borough for the public purposes set forth above; and

WHEREAS, the properties are currently involved in foreclosure proceedings instituted by the Landlord's mortgagee (TD Bank) (also referenced as the "Bank"); and

WHEREAS, the Bank's counsel has previously approved the attached Lease Agreement on behalf of the Bank; and

WHEREAS, the Mayor and Borough Council also wish to authorize the appropriate Borough Officials to execute a Non-disturbance and Subordination Agreement with TD Bank, and/or any other Agreement(s) that may, in the opinion of the Borough Attorney, be necessary in order to properly protect the Borough's interests with regard to the lease of the properties in the event of a Sheriff's sale.

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

1. That the Mayor is hereby authorized to execute, and the Borough Clerk to attest, the attached Lease Agreement between the Borough of Hightstown and Greystone Capital Partners, so that the Borough may lease the properties for the public purposes referenced above in accordance with the terms and conditions set forth in the said Lease Agreement.
2. That the Mayor is hereby also authorized to execute, and the Borough Clerk to attest, a Non-disturbance and Subordination Agreement with TD Bank, and/or any other Agreement(s) that may, in the opinion of the Borough Attorney, be necessary in order to properly protect the Borough's interests with regard to the lease of the properties in the event of a Sheriff's sale. All such documents shall be in a form acceptable to the Borough Attorney.
3. That all Borough officials and professionals are hereby authorized and directed to take all actions that are necessary in order to effectuate the intentions of this Ordinance.
4. That the provisions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found to be invalid for any reason by any court of competent jurisdiction, such judgment shall be limited in its effect only to that portion of the Ordinance actually adjudged to be invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.
5. That all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.
6. That this Ordinance shall take effect upon final passage and publication in accordance with the law.

Resolution 2013-72 Payment of Bills

Councilmember Woods requested that item #E0577 be pulled and voted separately.

Councilmember Bibens moved Resolution 2013-72 without item #E0577, Council President Quattrone seconded.

Roll Call Vote: Council members Bibens, Doran, Quattrone, Thibault and Woods voted yes. Councilmember Bluth had stepped out of the room.

Councilmember Doran moved item #E0577, Councilmember Bibens seconded.

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

Resolution adopted, 5-0 with one abstention.

Resolution 2013-72

*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 \$ from the following accounts:

Current		\$558,238.58
W/S Operating		327,359.48
General Capital		0.00
Water/Sewer Capital		25,279.75
Grant		785.00
Trust		1,000.08
Housing Trust		50,000.00
Animal Control		0.00
Law Enforcement Trust		0.00
Housing Rehab Loans		0.00
Unemployment Trust		0.00
Escrow		<u>9,246.25</u>
Total		<u><u>\$971,909.14</u></u>

Resolution 2013-73 Authorizing Emergency Temporary Appropriations Prior to Adoption of the 2013 Budget

Councilmember Woods moved Resolution 2013-73, Councilmember Doran seconded.

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

Resolutions tabled 6-0.

Borough of Hightstown
Emergency Temporary No. 3
3/18/2013

Current Fund

March 18, 2013

Mayor and Council	Salaries and Wages	2,000.00
Municipal Clerk	Salaries and Wages	8,000.00
Municipal Clerk	Other Expenses	2,500.00
Financial Administration	Salaries and Wages	7,500.00
Data Processing	Salaries and Wages	1,000.00
Collection of Taxes	Salaries and Wages	2,000.00
Collection of Taxes	Other Expenses	1,000.00
Assessment of Taxes	Salaries and Wages	2,000.00
Municipal Court	Salaries and Wages	12,000.00
Planning Board	Salaries and Wages	2,000.00
Engineer	Other Expenses	15,000.00
Group Insurance	Other Expenses	50,000.00
Workers Compensation	Other Expenses	11,000.00
Police	Salaries and Wages	100,000.00
Police	Other Expenses	10,000.00
Police and Fire Communications	Salaries and Wages	20,000.00
Uniform Fire Safety Act	Salaries and Wages	3,000.00
Municipal Prosecutor	Other Expenses	2,000.00
Public Buildings and Grounds	Salaries and Wages	5,000.00
Board of Health	Salaries and Wages	10,000.00
Maintenance of Parks	Salaries and Wages	7,000.00
Postage	Other Expenses	3,000.00
Gasoline	Other Expenses	5,000.00
Construction Code	Salaries and Wages	10,000.00
Social Security	Other Expenses	5,000.00
Shared Services - 911	Salaries and Wages	10,000.00
Shared Services - Health	Salaries and Wages	4,000.00
Shared Services - Roosevelt Tipping Fees	Other Expenses	10,000.00
Capital Improvement Fund	Other Expenses	<u>10,000.00</u>
Subtotal Current Fund		<u>330,000.00</u>

Resolution 2013-74 Authorizing a Transfer of Funds in the 2012 Budget

Council President Quattrone moved Resolution 2013-74, Councilmember Bibens seconded.

There was discussion regarding the snow removal transfer into reserve.

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

Resolutions adopted 4-0, with one abstention.

*COUNTY OF MERCER
STATE OF NEW JERSEY*

AUTHORIZING A TRANSFER OF FUNDS IN THE 2012 BUDGET

Whereas, N.J.S.A. 40A:4-58 provides that the governing body may authorize a transfer of funds in the budget during the last two months of the fiscal year and first three months of the following year.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the following transfers in the 2012 budget are hereby authorized:

<u>Current:</u>	<u>From</u>	<u>To</u>
Municipal Clerk		
Other Expense	\$ 1,000.00	
Financial Administration		
Salaries and Wages	\$ 3,000.00	
Other Expenses	\$ 1,500.00	
Assessment of Taxes		
Other Expenses	\$ 4,000.00	
Municipal Court		
Salaries and Wages	\$ 2,000.00	
Natural Gas		
Other Expenses	\$ 3,500.00	
Snow Removal		
Other Expenses		\$ 5,000.00
Community Services Act		
Other Expenses		\$ <u>10,000.00</u>
TOTALS	\$ 15,000.00	\$ 15,000.00

Resolution 2013-75 Authorizing Release of Funds Remaining in Escrow – Manuel Mendieta

Council President Quattrone moved Resolution 2013-75, Councilmember Bluth seconded.

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

Resolutions adopted 6-0.

Resolution 2013-75

March 18, 2013

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

**AUTHORIZING RELEASE OF FUNDS REMAINING IN ESCROW – MANUEL MENDIETA
(BLOCK 28, LOT 3.01)**

WHEREAS Manuel Mendieta has requested that the funds remaining in their escrow account with the Borough for Block 28, Lot 3.01 be released; and

WHEREAS the Borough Professionals have certified that there are no outstanding fees related to the project; and

WHEREAS the Borough Engineer has recommended the release of the remaining escrow funds.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Treasurer is authorized and directed to release to Manuel Mendieta all amounts remaining in the escrow account for Block 28, Lot 3.01.

A certified copy of this Resolution shall be provided to the following:

- a. Manuel Mendieta
- b. Janice Mohr-Kminek, Treasurer
- c. Susan Jackson, Planning Board Secretary
- d. Carmela Roberts, Borough Engineer
- f. Gary Rosensweig, Planning Board Attorney

Resolution 2013-76 Authorizing a Refund of Tax Overpayment

Council President Quattrone moved Resolution 2013-76, Councilmember Bibens seconded.

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

Resolutions adopted 6-0.

Resolution 2013-76

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

AUTHORIZING REFUND OF TAX OVERPAYMENT

WHEREAS, an overpayment of taxes was made for the fourth quarter 2012 property taxes for Block 31, Lot 2 in the Borough of Hightstown; and

WHEREAS, the mortgage company, The Provident Bank of P. O. Box 1002, Iselin NJ 08830 has requested that a refund be issued for the overpayment in the amount of \$1,310.56; and

WHEREAS, the Tax Collector has requested that the amount of said overpayment be refunded to the mortgage company.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Tax Collector and Treasurer are hereby authorized to issue a refund in the amount of \$1,310.56 to The Provident Bank of P. O. Box 1002, Iselin NJ 08830, representing their tax overpayment as set forth herein.

Resolution 2013-77 Authorizing an Agreement with International Roasting Post for Use of Public Right-of-Way

Councilmember Bluth moved Resolution 2013-77, Councilmember Woods seconded.

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Mayor Kirson reviewed the discussion at the last meeting on this subject for the benefit of Councilmember Bibens who was absent at that meeting.

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

Resolutions adopted 6-0.

Resolution 2013-77

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

**AUTHORIZING AGREEMENT WITH INTERNATIONAL ROASTING POST FOR USE OF
PUBLIC RIGHT-OF-WAY**

WHEREAS, International Roasting Post (referenced herein as the “Applicant”), having an address of 120 N. Main Street, Hightstown, New Jersey, is a tenant in the property known and designated as Block 23, lot 5.01 on the Hightstown Borough Tax Map (referenced herein as the “property”), which is adjacent to N. Main Street; and

WHEREAS, the Applicant conducts a café/coffee shop at the property known as the “International Roasting Post”, and has requested permission to place tables and chairs outside of its business for the exclusive use of patrons of the International Roasting Post and to conduct normal business activities associated with the International Roasting Post within the said area; and

WHEREAS, the area adjacent to the property encompasses a certain right-of-way area owned by the State of New Jersey (referenced herein as the “State”); and

WHEREAS, the State, through the New Jersey Department of Transportation (referenced herein as the “D.O.T.”), has advised the Borough that there are no permits required from, nor is there any other formal process necessary through, the State in order for the Applicant to install the desired outdoor tables and chairs or to conduct normal business activities within the area in question, which encompasses part of the right-of-way area owned by the State; and

WHEREAS, rather, the State, through the D.O.T., has advised the Borough that such approval is a local matter to be handled by the Borough so long as the proposed outdoor tables, chairs and/or other equipment do not block and/or interfere with pedestrian traffic; and

WHEREAS, the Borough is willing to allow the Applicant to utilize the area in question upon the terms and conditions set forth in the Agreement.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Hightstown, that the Borough hereby permits the Applicant to utilize the area in question for the uses referenced above in consideration of the mutual promises and covenants set forth in the Agreement, and the Mayor and Borough Clerk are hereby authorized to execute said Agreement on behalf of the Borough.

Resolution 2013-78 Appointing a Member to Fill a Vacancy on the Environmental Commission – Jeremy Everett

Council President Quattrone moved Resolution 2013-78, Councilmember Bibens seconded.

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

Resolutions adopted 6-0.

Resolution 2013-78

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

March 18, 2013

**APPOINTING A MEMBER TO FILL A VACANCY ON THE ENVIRONMENTAL
COMMISSION**

WHEREAS, there is a need to fill a vacancy for an Alternate #1 on the Environmental Commission; and

WHEREAS, the term for this position is ending December 31, 2014; and

WHEREAS, Jeremy Everett has volunteered to fill the position of Alternate #1 on the Environmental Commission for the term ending December 31, 2014.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that Mr. Jeremy Everett is hereby appointed to the Environmental Commission of Hightstown Borough as Alternate #1 for the term ending December 31, 2014.

Resolution 2013-79 Appointing a Member to Fill a Vacancy on the Housing Authority – Brent Rivenburgh

Council President Quattrone moved Resolution 2013-79, Councilmember Bibens seconded.

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

Resolutions adopted 6-0.

Resolution 2013-79

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

APPOINTING A MEMBER TO FILL A VACANCY ON THE HOUSING AUTHORITY

WHEREAS, there is a need to fill a vacancy for a Commissioner on the Housing Authority; and

WHEREAS, the term for this position is ending December 31, 2017; and

WHEREAS, Brent Rivenburgh has volunteered to fill the position of Commissioner on the Housing Authority for the term ending December 31, 2017.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that Mr. Brent Rivenburgh is hereby appointed to the Housing Authority of Hightstown Borough as Commissioner for the term ending December 31, 2017.

Resolution 2013-80 Authorizing an Employment Agreement with Kenneth Lewis, Public Works Superintendent

Council President Quattrone moved Resolution 2013-80, Councilmember Bibens seconded.

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

Resolutions adopted 6-0.

Resolution 2013-80

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

**AUTHORIZING EMPLOYMENT AGREEMENT WITH KENNETH LEWIS, PUBLIC WORKS
SUPERINTENDENT**

March 18, 2013

WHEREAS, the Mayor and Council of the Borough of Hightstown, County of Mercer, have appointed Kenneth Lewis to serve as Public Works Superintendent; and

WHEREAS, it is the desire of the Mayor and Council to establish the terms and conditions of Mr. Lewis's employment relative to these titles as set forth in an agreement.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Mayor is hereby authorized to execute, and the Borough Clerk to attest, an employment agreement with Kenneth Lewis as Superintendent of Public Works.

Resolution 2013-81 Opposing S2364/A3553 Creating a System of Early Voting in the State of New Jersey

Council President Quattrone moved Resolution 2013-81, Councilmember Bibens seconded.

Councilmember Doran stated that while good in principle, funding is an issue.

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

Resolutions adopted 6-0.

Resolution 2013-81

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

**RESOLUTION OPPOSING S2364/A3553 CREATING A SYSTEM OF EARLY VOTING IN THE
STATE OF NEW JERSEY**

WHEREAS, Senate Bill S-2364 and Assembly Bill A3553 propose to create a system of early voting in the State of New Jersey; and

WHEREAS, the goal of accommodating voters in pursuit of greater participation in the democratic process is a worthy goal; and

WHEREAS, these bills would in reality increase workloads, add more costs to the election process, and ultimately serve to confuse voters more than it would accommodate their needs; and

WHEREAS, these bills would require for each primary and general election in a public facility, except a public school, located in each municipality in an area of a high concentration of population to be open and available to registered voters starting 15 days before an election for early polling, possibly conflicting with if not pushing out other important uses for these buildings, causing inconvenience to residents; and

WHEREAS, these bills require retraining of poll workers and dramatically increased hours, as well as chain of custody requirements to protect the voting process, despite the fact that recruiting and training poll workers is already a difficult process; and

WHEREAS, these bills would increase costs to municipalities, including overtime pay for workers; and

WHEREAS, although these bills allow municipalities to request reimbursement for extra costs and provide an appropriation, the appropriation does not outline a specific amount nor dedicated funding, only that which the State Treasurer and the Director of the Division of Budget and Accounting deem necessary, and they do not outline the procedure for a municipality whose reimbursement request is denied; and

WHEREAS, the opportunity for “Early Voting” already exists in the State of New Jersey through the Vote by Mail ballot process.

NOW, THEREFORE, BE IT RESOLVED that Mayor and Council of Hightstown Borough in the County of Mercer does hereby oppose S2364 and A3553 and calls upon its representatives in the State Legislature to oppose the adoption of this bill; and

BE IT FURTHER RESOLVED, that a copy of this Resolution shall be sent to the Office of the Governor, Senate President Sweeney, Senators Gill and Whelan, sponsors of S2364, Speaker Oliver, Assemblymen Wisniewski, Diegnan, Benson, Conaway, and Coughlin, sponsors of A3553, our State Senator and Assembly representatives, the County Board of Elections, and the New Jersey League of Municipalities.

Resolution 2013-82 Authorizing the Issuance of an Auction License – Empire Antiques

Council President Quattrone moved Resolution 2013-82, Councilmember Bibens seconded.

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

Resolutions adopted 6-0.

Resolution 2013-82

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

AUTHORIZING THE ISSUANCE OF AN AUCTION LICENSE – EMPIRE ANTIQUES

WHEREAS, an application for a license to hold an auction on Saturday, April 13, 2013 at 278 Monmouth Street in the Borough of Hightstown has been submitted by Empire Antiques, together with the required fee; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Borough Clerk is hereby authorized to issue a license to Empire Antiques for their auction to be held on Saturday, April 13, 2013 at 278 Monmouth Street.

Mayor Kirson thanked the volunteers for coming forward and offering their talent.

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

Eugene Sarafin, 628 S. Main Street – commented that Council business was conducted efficiently but effective January 1st there will be a new Council in town.

Fran Palumbo, 101 Main Street – commented that the working condition of administrative employees is unacceptable; Hightstown needs to be put back on the map.

Scott Caster, 12 Clover Lane – commented that Borough Hall needs to be brought back and lead us through this renaissance.

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

Mayor/Council/Administrative Comments and Committee Reports

Councilmember Thibault – noted that this week is Sunshine Week for government transparency; we are fortunate to have reporters present at the meetings; he would like to work with Scott Caster on a working group regarding consolidation.

March 18, 2013

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Councilmember Bluth – noted that the blotching bin and wind turbine ordinances are being tweaked by the Planning Board and will be sent back to Council; she does not support the Borough taking over two store fronts downtown.

Councilmember Bibens – commented that she is happy with the Police and reminded the public about the many events and committees in the Borough; Firefighter Glacken has passed away; the Fire Department is using their boat for the swims; there is a Fair Committee meeting tomorrow night.

Councilmember Doran – reminded the public that there is a special meeting the last Thursday of the month at 6:30pm at the First Aid Squad to discuss Borough Hall and temporary facilities.

Councilmember Woods – noted that the Water/Sewer Department head meeting is next week; asked that an After-Prom event donation be placed on the next meeting for discussion.

Council President Quattrone – noted that there is a Memorial Day meeting tomorrow at the VFW, please get World War II Veteran names to him; the new Public Works equipment is working well; the First Aid meeting is this Wednesday; LOSAP is ten years old this year; commented that he loves Hightstown and works at keeping the budget tight.

Council President Quattrone then asked the Police Director the status of the antenna for the First Aid. Police director LeTellier responded that it has been ordered and should be installed in 2 – 3 weeks.

Council President Quattrone then thanked Mr. Theokas for doing a great job.

Councilmember Bibens – noted that her daughter is at boot camp and thanked everyone for their support.

Councilmember Bibens moved to adjourn at 9:45pm, Council President Quattrone seconded. All ayes.

Respectfully Submitted,

Debra L. Sopronyi, RMC
Borough Clerk