

**Meeting Minutes  
Hightstown Borough Council  
Regular Meeting  
September 16, 2013  
6:00 pm**

The meeting was called to order by Council President Quattrone at 6:08pm 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; James LeTellier, Administrator/Police Director; and Frederick Raffetto, Borough Attorney.

**Resolution 2013-193 Authorizing a Meeting Which Excludes the Public**

Councilmember Woods moved resolution 2013-193, Councilmember Doran seconded.

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

Resolution adopted, 5-0.

**Resolution 2013-193**

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

**AUTHORIZING A MEETING WHICH EXCLUDES THE PUBLIC**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that this body will hold a meeting on September 16, 2013 at approximately 6:00pm 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  
Litigation – Gordy & Bruckner Southern

Stated as precisely as presently possible the following is the time when and the circumstances under which the discussion conducted at said meeting can be disclosed to the public: December 16, 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 7:08 pm and he read the Open Public Meetings Act statement.

The Flag Salute followed Roll Call. Councilmember Thibault had arrived at 6:15pm and was now present; Mayor Kirson and George Lang, CFO joined the meeting at this time and were now present.

Mayor Kirson requested that discussion be moved up on the agenda to directly follow the ordinance, and that the Greenway Walking Bridge and tax exempt properties be added to discussion. Councilmember Doran requested that resolution 2013-202, extending the agreement with the Interim Administrator, be added to the agenda.

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

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

Agenda approved as amended.

Councilmember Bluth moved the June 3, 2013 open session minutes for approval, Councilmember Bibens seconded.

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

Minutes approved 6-0.

Councilmember Bibens moved the June 3, 2013 executive session minutes for approval, Councilmember Woods seconded.

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

Minutes approved 5-0, with one abstention.

### **Borough Hall Architectural Presentation**

Mayor Kirson introduced Eli Goldstein, of Goldstein and Associates, and turned the floor over to Mr. Goldstein for the presentation.

Mr. Goldstein thanked Council for the opportunity to present their various options for Borough Hall; he proposes to give Council information so Council can make a decision on how they would like to proceed. He then reviewed the present situation at Borough Hall noting that no matter what decision is made, the first step will be to remove the back portion of Borough Hall, which includes the Police Department and Construction office.

Mr. Goldstein then presented option one, which is to build a separate police building which would require more space for elevators, bathrooms and stairs. This plan is an inefficient use of footage. He continued with option two, which is to build a separate Police Department next to the existing building. He noted that the present meeting room/court do not meet ADA compliance and is too small to meet the Borough's needs. Additions are expensive and would be needed to have the present building meet the needs appropriately. Option three is an integrated addition. Emergency response facilities must meet certain standards and this option would not meet those requirements. A separate Police Department would meet the standards without changes to the present building, with the exception of upgrades to meet code. Mr. Goldstein then presented option four, which is to build a new building, and would be the most efficient and effective option. The Police Department would be on the first floor with access to the second floor through a lobby. The Administrative offices would be on the second floor and these offices would not be accessible during meetings and/or court sessions.

Mr. Goldstein then addressed energy efficiency, noting that the present building is not insulated. He suggested improvements to the thermal envelope and advised of various opportunities to improve the efficiency of the building, new or existing.

The Architect then continued with site plan information, advising that there is not much room between the Fire Department and present Borough Hall for an addition (options 1, 2, & 3), while option four gives the Borough the freedom of location. He then reviewed comparisons of various design schemes and relative risk for unknown contingencies. Overall, the Police Department is most the expensive part of the project in all the scenarios presented; however the cost can be offset by the efficiency of the highest cost to re-build.

A questions and answer period was held with the public in which the following matters were addressed: possibly consolidating services with East Windsor; flood risk and the additional protection required in all scenarios; lifting the building and the implications produced; elevations; heating and air conditioning plant locations (yet to be determined); cost (\$400 sf. for PD, \$300 sf. for Administrative offices); and the re-use of newly acquired communication equipment.

Mr. Goldstein then made the following recommendation to Council: replace the old building, it does not make sense to put any money into the existing structure; a 15%-20% contingency should be built into the cost; energy efficiency and going green should be investigated and considered as part of the project, there are funds available from various energy rebates and programs; soil testing will have to take place as part of the project.

Council then had discussion with Mr. Goldstein, which included: flood plain level maps and the requirements to build in the same location; moving the footprint of the building; and consideration of Fire Department parking. Council requested that a space needs assessment be performed.

Mayor Kirson asked Council to give direction to the Architect and took a straw poll vote. Council unanimously voted to re-build Borough Hall (option four), however Councilmember Bluth noted that she is voting for this option but does not think Borough Hall should be re-built in a flood zone.

Mayor Kirson noted that phase I is now complete and phase II is to get cost estimates and negotiate with the insurance company. Councilmember Thibault inquired about the possibility of using modular facilities and the architect responded that there is not enough repetition in this small project to warrant using modular or pre-fabricated buildings; noting that modular jail cells should be considered.

Mayor Kirson thanked Eli Goldstein for his presentation and called a five minutes recess while Mr. Goldstein departed the meeting.

Mayor Kirson opened public comment period I and the following individuals spoke:

Eugene Sarafin, 628 S. Main Street – commented that this was a marvelous presentation; the estimated cost of this project is \$4.2M without site work, a new building should not be built in the present location; this project will bring a 7 cent tax increase for a police department and court that we do not need.

Scott Caster, 12 Clover Lane – thanked Mayor Kirson for full disclosure and inviting the public to participate; noted that the Planning Board is tackling the same problems as Council and invited Council to attend Planning Board meetings.

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

**Ordinance 2013-21 First Reading and Introduction** – An Ordinance of the Borough of Hightstown, County of Mercer, State of New Jersey, Amending, Supplementing and Revising Chapter 28 of the “Revised General Ordinances of the Borough of Hightstown” entitled “Zoning”

Councilmember Bluth moved ordinance 2013-21 for introduction, Councilmember Bibens seconded.

Councilmember Bluth noted that the Planning Board reviewed the ordinance and agreed to make the change Council recommended, in which the ordinance will mirror the satellite dish ordinance for the historic district. A correction to a September 16, 2013

typo in the ordinance was made.

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

Ordinance introduced 6-0, public hearing to be held on October 4, 2013.

**Ordinance 2013-21**  
*BOROUGH OF HIGHTSTOWN*  
*COUNTY OF MERCER*  
*STATE OF NEW JERSEY*

**AN ORDINANCE OF THE BOROUGH OF HIGHTSTOWN, COUNTY OF MERCER, STATE OF NEW JERSEY, AMENDING, SUPPLEMENTING AND REVISING CHAPTER 28 OF THE “REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN,” ENTITLED “ZONING.”**

**WHEREAS**, it is the purpose of this Ordinance to promote the safe, effective and efficient use of solar and wind energy systems; and

**WHEREAS**, the New Jersey Municipal Land Use Law (N.J.S.A. 40:55D-1, *et seq.*), specifically at N.J.S.A. 40:55D-2(n) and N.J.S.A. 66.12, provides that the utilization of renewable energy resources is a purpose of zoning, and sets standards for Small Wind Energy Systems.

**NOW, THEREFORE, BE IT ORDAINED**, by the Borough Council of the Borough of Hightstown, in the County of Mercer and State of New Jersey, that the “Revised General Ordinances of the Borough of Hightstown” (also known as the Hightstown Borough Code) is hereby amended, supplemented and revised at Chapter 28 thereof, entitled, “Zoning,” in order to establish a new Section thereof, to be known as “Small Wind Energy Systems,” as follows:

Small Wind Energy Systems.

Section 1. Definitions:

Meteorological Tower (met tower) – includes the tower, base plate, anchors, guy wires and hardware, anemometers (wind speed indicators), wind direction vanes, booms to hold equipment for anemometers and vanes, data loggers, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location. For the purpose of this Ordinance, met towers shall refer only to those whose purpose are to analyze the environmental factors needed to assess the potential to install, construct or erect a Small Wind Energy System.

Modification – any change to the Small Wind Energy System that materially alters the size, type or location of the Small Wind Energy System. Like-kind replacements shall not be construed to be a modification.

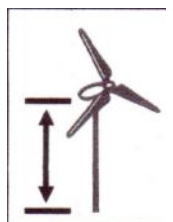
Shadow Flicker – the visible flicker effect when rotating blades of the wind generator cast shadows on the ground and nearby structures causing a repeating pattern of light and shadow.

Small Wind Energy System – a wind energy conversion system consisting of a wind generator, a tower, and associated control or conversion electronics, which has a rated capacity of 5 kilowatts total or less and will be used primarily for onsite consumption only.

System Height – the vertical distance from ground level to the tip of the wind generator blade when it is at its highest point.



Tower – the monopole, guyed monopole or lattice structure that supports a wind generator.



Tower height – the height above grade of the fixed portion of the tower, excluding the wind generator.

Wind Generator – the blades and associated mechanical and electrical conversion components mounted on top of the tower whose purpose is to convert kinetic energy of the wind into rotational energy used to generate, store and transfer energy.

## Section 2. Procedure for Review and Approval; Standards.

1. Zoning Permit. Only Small Wind Energy Systems shall be permitted and no Small Wind Energy System may be erected, constructed, or installed without first receiving a zoning permit from the Zoning Officer. A zoning permit shall be also required for any physical modification to an existing Small Wind Energy System. Site plan review by the Planning Board shall not be required prior to issuance of a zoning permit.

(a) Application: All applications submitted to the Zoning Officer shall contain an accurate plan including the following information:

- (1) Property lines and physical dimensions of the property.
- (2) Location, dimensions, and types of existing major structures on the property.
- (3) Location of the proposed Small Wind Energy System, foundations, guy anchors and associated equipment.
- (4) Any overhead utility lines.
- (5) Small Wind Energy System specifications, including manufacturer, model, rotor diameter, tower height, tower type, nameplate generation capacity.
- (6) A sound level analysis provided by the wind generator manufacturer or prepared by a qualified sound engineer.
- (7) Evidence of compliance or non-applicability of Federal Aviation Administration requirements.
- (8) Evidence of the structural stability of all elements of the Small Wind Energy System
- (9) A list of all neighboring property owners abutting the subject property.

(b) Notification. The Applicant shall notify all neighboring property owners by certified mail upon application for a zoning permit to construct a Small Wind Energy System. The public will be afforded 30 days to submit comments to the Zoning Officer prior to the issuance of the zoning permit. The Zoning Officer shall review the application for impacts per subsection 28-10-18c. If the application is determined to have potential adverse impacts, the Zoning Officer may deny the application or impose reasonable conditions. Appeals be submitted to the Planning Board pursuant to N.J.S.A 40:55D-66.12

2. Standards. The following standards shall apply to all Small Wind Energy Systems, and the Zoning Officer shall evaluate each application for compliance with said standards:

(a) Setbacks. The setback shall be calculated by multiplying the Minimum Setback Requirement number by the system height and measured from the center of the tower base to property line, public roads, or nearest point on the foundation of a building.

Minimum Setback Requirements			
Occupied Buildings on Participating Landowner Property	Occupied Buildings on Abutting Property	Property Lines of Abutting Property and Utility Lines	Public Roads
0	1.5	1.1	1.5

(b) Small Wind Energy Systems shall be deemed permitted accessory uses in all Zones but must meet all maximum height requirements for principal structures in the Zoning District in which the System is located.

- (c) Guy wires used to support the tower are exempt from the Small Wind Energy System setback requirements.
- (d) Sound level. The Small Wind Energy System shall not exceed sixty (60) decibels using the A scale (dBA), as measured at the subject site property line, except during short-term events such as severe wind storms and utility outages.
- (e) Shadow Flicker. Small Wind Energy Systems shall be sited in a manner that does not result in significant shadow flicker impacts. "Significant shadow flicker" is defined as more than thirty (30) hours per year on abutting occupied buildings. The applicant has the burden of proving that the shadow flicker will not have significant adverse impacts on neighboring or adjacent uses.
- (f) Signs. All signs including flags streamers and decorative items, both temporary and permanent, are prohibited on the Small Wind Energy System, except for manufacturer identification or appropriate warning signs which shall be affixed directly to the Small Wind Energy System.
- (g) Visual Impacts. It is inherent that Small Wind Energy Systems may pose some visual impacts due to the tower height needed to access wind resources. The purpose of this section is to reduce the visual impacts, without restricting the owner's access to the optimal wind resources on the property.
- (h) The applicant shall demonstrate how the Small Wind Energy System's visual impacts will be minimized for surrounding neighbors and the community. This may include, but not be limited to information regarding site selection, wind generator design or appearance, buffering, and screening of ground mounted electrical and control equipment. All electrical conduits shall be placed underground.
- (i) The color of the Small Wind Energy System shall either be the stock color from the manufacturer or painted with an approved non-reflective, unobtrusive color that blends in with the surrounding environment. Approved colors include but are not limited to white, off-white or gray. This list may be amended from time to time by the Zoning Officer.
- (j) A Small Wind Energy System shall not be artificially lit unless such lighting is required by the Federal Aviation Administration (FAA). If lighting is required, the applicant shall provide a copy of the FAA determination to establish the required markings and/or lights for the Small Wind Energy System.
- (k) Approved Wind Generators. The manufacturer and model of the wind generator to be used in the proposed Small Wind Energy System must have been approved by the California Energy Commission, the New York State Energy Research and Development Authority, or a similar list approved by the State of New Jersey, if available. This list may be supplemented from time to time by the Zoning Officer.
- (l) Systems shall not interfere with television, microwave or radio reception.
- (m) Access. The tower shall be designed and installed so as not to provide step bolts or a ladder readily accessible to the public for a minimum height of eight (8) feet above the ground. All ground-mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.
- (n) All cables must be concealed below the roof line or wires shall be installed underground.
- (o) Small Wind Energy Systems in the Historic District.
  - (1) In order to maintain the architectural detail and character of the Hightstown Historic District, Small Wind Energy Systems installed in the Historic District shall comply with the following conditions:
    - (a) Significant architectural details shall not be removed, damaged or covered by the installation of any Small Wind Energy System.
    - (b) Small Wind Energy Systems may not be installed in the front yard.
    - (c) Small Wind Energy Systems shall not be attached to the building façade or roof-mounted so as to be visible from the public right-of-way.
    - (d) If the proposed location for the Small Wind Energy System is not permitted by this Section, the installation shall be referred to the Hightstown Historic Preservation Commission for its consent to install, which decision shall be issued within thirty (30) days, unless extended for good cause.

3. Other Permits. All Small Wind Energy Systems shall obtain all other required permits, including construction and electric permits.
4. Expiration of Permits. All permits issued pursuant to the Ordinance shall expire if the System is not installed within two (2) years of Permit date or the System is out of service for a continuous twelve (12) month period, or is deemed unsafe by the Borough Construction Official.

#### Section 3. Abandonment.

At such time that a Small Wind Energy System is scheduled to be abandoned or discontinued, the applicant will notify the Zoning Officer by certified U.S. Mail of the proposed date of abandonment or discontinuation of operations.

Upon abandonment or discontinuation of use, the owner shall physically remove the Small Wind Energy System within ninety (90) days from the date of abandonment or discontinuation of use. This period may be extended at the request of the owner and at the discretion of the Zoning Officer. Physically remove shall include, but not be limited to removal of the wind generator and related above-grade structure.

Restoration of the location of the Small Wind Energy System to its natural condition, except that any landscaping, grading or below-grade foundation may remain in its same condition at initiation of abandonment.

In the event that an applicant fails to give such Notice as referenced above, the system shall be considered abandoned or discontinued if the System is out-of-service for a continuous twelve-month period. After twelve (12) months of inoperability, the Zoning Officer may issue a Notice of Abandonment to the owner of the Small Wind Energy System. The owner shall have the right to respond to the Notice of Abandonment within thirty (30) days from Notice receipt date. After review of the information provided by the owner, the Zoning Officer shall determine if the Small Wind Energy System has been abandoned. If it is determined that the Small Wind Energy System has not been abandoned, the Zoning Officer shall withdraw the Notice of Abandonment and notify the owner of the withdrawal.

If the owner fails to physically remove the Small Wind Energy System after the Notice of Abandonment procedure, the Zoning Officer may pursue legal action to have the Small Wind Energy System removed at the owner's expense, and the owner shall be subject to all penalties provided by Law.

#### Section 4. Violation and Enforcement.

It shall be unlawful for any person to construct, install, or operate a Small Wind Energy System that is not in compliance with this Ordinance or with any condition contained in a Zoning Permit or Construction Permit for the System.

This Ordinance may be enforced by the Zoning Officer or other designated Borough Official.

3. Small Wind Energy Systems installed prior to the adoption of this Ordinance are exempt from this Ordinance except when modifications are proposed to the Small Wind Energy System and if the System is abandoned.
4. Nothing in this section shall be construed to prevent the Borough of Hightstown from using any other lawful means to enforce this Ordinance and to prevent violations.

**BE IT FURTHER ORDAINED**, that the provisions of this Ordinance shall be severable, and the invalidity of any section, subdivision, paragraph or other part of this Ordinance shall not affect the validity or effectiveness of the remainder of the Ordinance.

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

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

## **Greenway Walking Bridge**

Councilmember Bibens informed Council that we are waiting for the DEP Dam Safety permit so we can proceed to go to bid for the project. The committee is working behind the scenes. Councilmember Woods asked that the thermometer at the bridge location be updated and that an architectural drawing be erected at the site.

## **Tax Exempt Properties**

Councilmember Woods stated that she and Councilmember Bibens disagree that nothing can be done about the tax exempt properties in the Borough and they think a letter to the Governor is the first step. She then distributed a letter being sent to Governor Christie by she and Councilmember Bibens and read the letter into the record:

Dear Governor Christie:

We the undersigned are Council members for the Borough of Hightstown in Mercer County and as such respectfully request your assistance in a very serious issue.

At the present time approximately 33 percent of the property value in our community is tax exempt by state law. As you know, small boroughs such as ours predate larger communities which now surround them and as such historically became the centers for religious, educational and other community services. In our case there are two educational institutions which own very large amounts of our limited property. Under state law they are tax exempt from property tax as well as other forms of taxation.

While state law does allow communities to bill for services to tax exempt entities, such revenue sources could never make up for the loss of property tax revenue. The burden for this lost revenue must then be paid by the other property owners. Additionally, the contribution to our community due to its size, is substantially less than that given to surrounding communities which also enjoy these services

Therefore we respectfully suggest that the state laws which allow for such tax exempt status are in fact unfunded mandates which should and must be addressed by the state. Since state law also prevents us from restricting tax exempt entities from purchasing real estate the percentage can continue to grow. We request that you propose that the State of New Jersey set a fair percentage level for tax exempt properties and any percentage above that level be reimbursed by the state. Specifically, the lost property tax which would have been due for municipal taxes be reimbursed to the municipality by the state annually. We further recommend that the level be set at 20 % and any percentage over that is subject to reimbursement from the state.

If you believe that this proposal is not possible we request you consider a state law which allows for disproportional benefit from such services to be billed to those communities which enjoy them. For example, we belong to a regional school district which has approximately 48 % of its tax exempt property located in our community. Approximately 16 % of the students in the district are from our community. As such our community is subsidizing surrounding communities which also use the facilities which are tax exempt at a cost to our taxpayers of 32% of the lost property tax revenue.

At some point the state may mandate consolidation of communities but until that time there is very little incentive for large communities to merge with small ones which have historically disproportionately carried the property tax burdens for these tax exempt properties. Any ideas or suggestions which you or your office can provide to assist our overburdened taxpayers would be very welcomed.

Thank you for your assistance and consideration in this very serious matter.”

There was a discussion and Council members made suggestions for revisions to the letter. It was decided that all Council members would sign the letter and it would be copied to the representatives.

## **Debt Service Summary**

George Lang, CFO, explained that there are two types of debt, funded and unfunded; he also addressed bond anticipation

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notes, and the cancellation of balances. He then noted that the summary distributed covers 2013-2016 bonds and a payment schedule through 2030. There was discussion and clarification.

**Resolution 2013-194    Payment of Bills**

Councilmember Bluth moved Resolution 2013-194, Councilmember Bibens seconded.

There was discussion.

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

Resolution adopted 6-0.

**Resolution 2013-194**  
*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 \$1898501.01 from the following accounts:

Current		\$1,616,913.30
W/S Operating		241,610.91
General Capital		1,035.00
Water/Sewer Capital		38,780.60
Grant		0.00
Trust		161.20
Housing Trust		0.00
Animal Control		0.00
Law Enforcement Trust		0.00
Housing Rehab Loans		0.00
Unemployment Trust		0.00
Escrow		<u>0.00</u>
Total		<u>\$1,898,501.01</u>

**Resolution 2013-195 Resolution of Compliance Regarding the 2011 Audit**

Council President Quattrone moved Resolution 2013-195, Councilmember Bluth seconded.

There was discussion regarding public versus private fund accounting and budgeting. The CFO noted that the corrective action plan would be on the agenda for the next meeting.

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

Resolution adopted 6-0.

**Resolution 2013-195**  
*BOROUGH OF HIGHTSTOWN*  
*COUNTY OF MERCER*  
*STATE OF NEW JERSEY*

**RESOLUTION OF COMPLIANCE REGARDING THE 2011 AUDIT**

**WHEREAS**, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

**WHEREAS**, the Annual Report of Audit for the year 2011 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S. 40A:5-6, and a copy has been received by each member of the governing body; and

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**WHEREAS**, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and

**WHEREAS**, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, at a minimum, the sections of the audit entitled:

General Comments  
Recommendations

; and

**WHEREAS**, the members of the governing body have personally reviewed at a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

General Comments  
Recommendations

as evidenced by the group affidavit form of the governing body; and

**WHEREAS**, such resolution of certification shall be adopted by the governing body no later than forty-five (45) days after receipt of the annual audit, as per the regulations of the Local Finance Board; and

**WHEREAS**, all members of the governing body have received and have familiarized themselves with at least the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid, and have subscribed to the affidavit, as provided by the Local Finance Board; and

**WHEREAS**, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 - to wit:

R.S. 52:27BB-52 - A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the Director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

**NOW, THEREFORE, BE IT RESOLVED** that the governing body of the Borough of Hightstown hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

**Resolutions 2013-196, 2013-197, 2013-198, and 2013-199**

Mayor Kirson suggested that resolutions 2013-196, 2013-197, 2013-198, and 2013-199 be voted on as a consent agenda.

Council President Quattrone moved Resolutions 2013-196, 2013-197, 2013-198, and 2013-199 as a consent agenda, Councilmember Bibens seconded.

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

Resolutions adopted 6-0.

**Resolution 2013-196**  
*BOROUGH OF HIGHTSTOWN*  
*COUNTY OF MERCER*  
*STATE OF NEW JERSEY*

**AUTHORIZING PAYMENT # 6 – CLYDE B. LATTIMER & SON CONSTRUCTION  
COMPANY, INC. (PRIMARY CLARIFIER UPGRADE)**

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**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 #6 related to installation of the Primary Clarifier and site restoration for the project in the total amount of \$36,015.00; and

**WHEREAS**, the Borough Engineer has recommended approval of payment #6 to Clyde B. Lattimer & Son Construction Co., Inc. in the amount of \$36,015.00; and

**WHEREAS**, certified payrolls have 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. 6 to Clyde B. Lattimer & Son Construction Co., Inc. of Berlin, New Jersey in the amount of \$36,015.00 is hereby approved as detailed herein, and the Treasurer is authorized to issue same.

**Resolution 2013-197**  
*BOROUGH OF HIGHTSTOWN*  
*COUNTY OF MERCER*  
*STATE OF NEW JERSEY*

**REQUESTING APPROVAL FOR INSERTION OF A SPECIAL ITEM OF REVENUE  
IN THE 2013 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 2013 as follows:

Source	Amount	Revenue Title	Appropriation Title
State of New Jersey	\$6,544.06	Municipal Court Alcohol Ed and Rehab Fund	Municipal Court Alcohol Ed and Rehab Fund

**Resolution 2013-198**  
*BOROUGH OF HIGHTSTOWN*  
*COUNTY OF MERCER*  
*STATE OF NEW JERSEY*

**AUTHORIZING RELEASE OF MAINTENANCE BOND AND FUNDS REMAINING  
IN ESCROW – PEDDIE SCHOOL (BLOCK 28, LOT 42.02)**

**WHEREAS** Peddie School has requested that the maintenance bond and funds remaining in their escrow account with the Borough for Block 28, Lot 42.02 be released; and

**WHEREAS** the release of escrow funds is contingent upon the Borough Professionals certifications that there are no outstanding fees related to the project; and

**WHEREAS** the Borough Engineer has recommended the release of the maintenance bond and remaining escrow funds after payment of all outstanding fees and accounts.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the Treasurer is authorized and directed to release the maintenance bond to Peddie School

**BE IT FURTHER RESOLVED** that the Treasurer is authorized and directed to release all amounts remaining in the escrow account for Block 28, Lot 42.02 after payment of all outstanding fees and accounts.

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

- a. Peddie School
- b. Janice Mohr-Kminek, Treasurer
- c. Planning Board Secretary
- d. Carmela Roberts, Borough Engineer
- f. Gary Rosensweig, Planning Board Attorney

**Resolution 2013-199**  
*BOROUGH OF HIGHTSTOWN*  
*COUNTY OF MERCER*  
*STATE OF NEW JERSEY*

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

**WHEREAS**, an application for a license to hold an auction on Saturday, October 26, 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, October 26, 2013 at 278 Monmouth Street.

**Resolution 2013-202 Extending the Appointment of Part-Time Acting Borough Administrator (James LeTellier)**

Councilmember Doran moved Resolution 2013-202, Councilmember Bibens seconded.

The Borough Attorney noted that this extension of the agreement is for a thirty day period.

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

Resolutions adopted 5-0, with one abstention.

**Resolution 2013-202**  
*BOROUGH OF HIGHTSTOWN*  
*COUNTY OF MERCER*  
*STATE OF NEW JERSEY*

**EXTENDING THE APPOINTMENT OF PART-TIME ACTING BOROUGH ADMINISTRATOR (JAMES LETELLIER)**

**WHEREAS**, the Borough Council appointed James LeTellier as Interim Borough Administrator pursuant to resolution 2013-144; September 16, 2013

and

**WHEREAS**, there is a need to extend this appointment for an additional thirty (30) days or until a permanent appointment is made, whichever occurs first; and

**WHEREAS**, this extension of appointment shall be subject to the same terms and conditions as stated in the initial appointment.

**NOW, THEREFORE, BE IT RESOLVED** that the Borough Council hereby extends the appointment of James LeTellier as the Acting Administrator for the Borough, in a part-time capacity, for a period of thirty (30) days, pursuant to the terms and conditions specified above, with such appointment to be effective immediately.

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

Eugene Sarafin, 628 S. Main Street – commented regarding the tax exempt property problem and the cost to the taxpayers to provide services.

Scott Caster, 12 Clover Lane – gave kudos to Council for sending the letter regarding tax exempt properties; commented that Hightstown serves the region with tax exempt properties.

Selena Bibens, Clinton Street – noted that she is approached with Borough issues regularly; She and Councilmember Woods will be at the Hightstown Diner on September 25<sup>th</sup>, beginning at 7:30pm to hear any issues residents may have.

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

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

**Councilmember Woods** – commented that the Water/Sewer report has been distributed and requested that the Administrator set up a meeting.

**Councilmember Thibault** – he is working on code enforcement reconciliation and requested that the Administrator/Police Director break out those offenses and fines in the police and court reports; noted that there was discussion at the last meeting regarding doing a resolution to form a committee to beef up code enforcement.

There was discussion regarding the issues of inside furniture being placed outside, and appliances being left outside on property.

**Councilmember Bluth** – noted that a Planning Board workshop meeting relating to Downtown discussion was held, and another regarding Borough Hall (Master Plan) is scheduled for October 10<sup>th</sup> at 6pm; the Planning Board does not support Borough Hall in its present location.

**Councilmember Bibens** – commented that she attended the Fire Department meeting and they are busy; a Class I Officer is presently being used for code enforcement; the Triathlon is Sunday and the Harvest Fair is in October, volunteers are needed.

**Administrator/Police Director LeTellier** – stated that a Code Enforcement Officer is needed.

**Council President Quattrone** – apologized for missing the Planning Board meeting; noted that the one-armed bandit is down again and the manual truck is being used to pick up trash, which takes three men; two complaints were received this week regarding abandoned vehicles on personal property, in which the resident had issues, but the ordinance is cut and dry; code enforcement needs to be addressed by a committee.

**Mayor Kirson** – commented that he had breakfast at the Governor's mansion with about 15 Mayors; the State is paying back the pension plan and big decisions are being made. Home Rule is set in stone in New Jersey, and it was an interesting breakfast.

Councilmember Bibens moved to adjourn at 9:38 pm, Council President Quattrone seconded. All ayes.

Respectfully Submitted,

Debra L. Sopronyi, RMC  
Borough Clerk