

**Meeting Minutes  
Hightstown Borough Council  
Regular Meeting  
August 5, 2013  
6:30 pm**

The meeting was called to order by Mayor Kirson at 6:34pm 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; Frederick Raffetto, Borough Attorney; Tamara Lee, Borough Planner; and Larry Shapiro, Esq. of the firm Ansell, Grimm & Aaron.

**Resolution 2013-163 Authorizing a Meeting Which Excludes the Public**

Council President Quattrone moved resolution 2013-163, Councilmember Woods seconded.

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

Resolution adopted, 6-0.

Resolution 2013-163

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

**AUTHORIZING A MEETING WHICH EXCLUDES THE PUBLIC**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that this body will hold a meeting on August 5, 2013 at approximately 6:30 pm in the First Aid Building located on Bank Street, Hightstown that will be limited only to consideration of an item or items with respect to which the public may be excluded pursuant to section 7b of the Open Public Meetings Act.

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

Litigation – Minute Maid

Contract Negotiations – Insurance

August 5, 2013

Stated as precisely as presently possible the following is the time when and the circumstances under which the discussion conducted at said meeting can be disclosed to the public: November 5, 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 7:41 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 and were now present; Larry Shapiro, Esq. of the firm Ansell, Grimm & Aaron had departed the meeting during executive session and was no longer present.

Mayor Kirson advised that resolution 2013-170, 2013-171, and 2013-172 will be removed from the agenda; Councilmember Woods requested that Code Enforcement be added to the agenda under discussion; Councilmember Doran requested that the Borough Administrator search be added to the agenda under discussion; and the Borough Attorney noted that action may be taken following the presentation and discussion, however may not be taken prior to resolution 2013-168 being adopted.

Councilmember Bibens moved the agenda as amended for approval, Councilmember Woods seconded.

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

Agenda approved as amended.

Councilmember Woods moved the March 4, 2013 executive session minutes for approval, Councilmember Doran seconded.

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

Minutes approved 5-0, with one abstention.

Council President Quattrone moved the April 25, 2013 open and executive, May 8, 2013 open and executive, and May 20, 2013 open session minutes for approval as a consent agenda, Councilmember Bibens 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 Proposal – Eli Goldstein, the Goldstein Partners, Architect**

The Mayor and Council moved to the audience for the presentation.

Mr. Goldstein introduced his firm to the Council and gave a comparison of the estimates vs. the actual costs of recent projects by his firm. He reviewed various projects throughout New Jersey that his firm had completed, including Maplewood Court and Police Department, Jersey City Police Department, Highland Park Police Department, Highlands Municipal Building expansion, Orange Court and Police Department, Belleville Court and Police Department, West Orange Court and Police Department, Jersey City Library restoration, Peapack Carriage House restoration and the Monmouth County Rail Station restoration.

Mr. Goldstein then addressed the Hightstown Borough Hall by recognizing the flood elevations of the property and presented his initial suggestions of adding a Police Department to Borough Hall facing Main Street, or if Borough Hall is not repairable, demolishing the structure and re-building the entire Administrative offices and Police Department. He noted that the current Borough Hall is approximately 5,000 sf. and the Police Department is approximately 5,000 sf. To re-inhabit Borough Hall, it would have to be brought up to code (including stairways, court, bathrooms, electrical and mechanical systems). The first step is to determine the cost and see if the building is worth saving, and cost elements will include environmental remediation, flood damaged elements and earthquake resistance, replacement of obsolete systems, modification of the building to accommodate an addition, and satisfying current codes. He then presented possible locations, designs and ideas for Borough Hall.

There was discussion with Council in which the following items were discussed: the rug mill, scope of work, timeline, mitigation for flooding, future changed use, architectural design for exterior, cost averages for the Police Department (\$400 sf.), earth quake resistance requirements, and flood mitigation.

Council then addressed small towns, restricted budget, and modular buildings with Mr. Goldstein regarding his experience. Discussion continued regarding reasons for cost increases, average change order percentages, reasonable return on green implementations, how to assure the project runs smoothly and how much prevailing wage adds to the cost of the project. Mr. Goldstein noted that the Municipal Building represents a town, it is not just a container for offices, it is very symbolic.

The Mayor and Council returned to the dais and thanked Mr. Goldstein for his presentation. Mr. Goldstein left the meeting at this time.

Councilmember Doran noted that the insurance company wants the Borough to hire an Architect to evaluate the cost and hire an environmental firm to perform testing; Mr. LeTellier confirmed and reviewed the proposal received from Mr. Goldstein.

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

Eugene Sarafin, 628 S. Main Street – commented that the presentation was superb.

J P Gibbons, 602 N. Main Street – commented that the meeting is too long for two public comment periods; it was a great presentation; Planning Board payments to professionals; and had comments on the last three resolutions on the agenda.

Steven Misiura, Planning Board Chair – noted that the payments to professionals from the Planning Board were made from escrow.

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

### **Affordable Housing Project**

Tamara Lee, Borough Planner, presented an opportunity for Affordable Housing and noted that the Housing Authority is interested in the re-development of Academy Street. She noted that there is a state HOME grant program available and the criteria meets COAH requirements, and Habitat for Humanity would be eligible for the grant; the Borough, Housing Authority and Habitat could work together on the project and the grant could be used to get a second set of affordable housing properties on Academy Street. We have a good chance of getting the grant; planning fees can be charged to COAH and the grant finances the soft costs. She is here today to see if Council will endorse the project and grant application; and if so, who will be the point person on Council? It will be required that Council approve the project by resolution and the Housing Authority can get tax credits.

There was discussion regarding the Borough's commitment to the project and Ms. Lee stated that they need to confirm that they would like her to continue working on applying for the grant and their support to re-habilitate South Academy Street. There was further discussion and Councilmember Thibault volunteered to be the Council Representative on the project. Council agreed unanimously to move forward on the grant application and for the Planner to continue her work on the project.

Tamara Lee, Borough Planner, left the meeting at this time.

### **Public Safety – Capital Purchases**

Mr. LeTellier noted that the capital purchases discussed at budget time should now be made, noting that the cameras being purchased for the Police Department could then be used at the permanent facilities. There was discussion regarding the need for turn-out gear, additional needs for the water plant, repeater needs for the Police Department, portable radio narrow band needs for the Public Works Department, and the process for future capital purchases.

### **Status Update – Temporary Facilities**

Mr. LeTellier gave an update on the status of the temporary facilities noting that Public Works is now in the trailer, the furniture is in place and some of the files cabinets are in the process of being moved inside from the garage.

### **Code Enforcement**

Councilmember Woods inquired as to why Council was no longer receiving reports on code enforcement. Mr. LeTellier noted that there is no longer the second code enforcement officer, but he will get a report to Council. There was discussion regarding the need for the second officer and Council asked Mr. LeTellier to bring forward a recommendation.

### **Borough Administrator Search**

Councilmember Doran noted that the applications have been reviewed and they have interviewed various candidates. There is a need to set up a special executive session meeting for the entire Council to interview the top three candidates. There was discussion and it was decided that the interviews will take place on August 29, 2013 at the First Aid, since the building has already been reserved. Municipal Clerk Sopronyi will notice the meeting.

### **Resolution 2013-164 Authorizing Change Order #1 and Payment #3 Final – Coppola Services, Inc. (Sludge Rotary Press)**

Councilmember Bibens moved resolution 2013-164 for adoption, Councilmember Bluth seconded.

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

Resolution adopted 6-0.

Resolution 2013-164  
*BOROUGH OF HIGHTSTOWN*  
*COUNTY OF MERCER*  
*STATE OF NEW JERSEY*

### **AUTHORIZING CHANGE ORDER #1 AND PAYMENT #3 FINAL TO COPPOLA SERVICES, INC. (SLUDGE ROTARY PRESS)**

**WHEREAS**, on February 6, 2012, the Borough Council awarded a contract for the Sludge Rotary Press Project to Coppola Services, Inc. of Ringwood, New Jersey in the amount of \$395,328.00; and,

**WHEREAS**, the contractor has requested change order #1 which due to unforeseen circumstances extends the completion date of the project to May 15, 2013; and

**WHEREAS**, the Borough Engineer has recommended approval of change order #1 to Coppola Services, Inc. extending the completion date of the project to May 15, 2013; and

**WHEREAS**, the contractor has submitted payment request #3 Final for work done in the total amount of \$10,847.54; and

**WHEREAS**, the Borough Engineer has recommended approval of payment #3 Final to Coppola Services, Inc. in the amount of \$10,847.54; and

**WHEREAS**, the required certified payrolls have been submitted and all close-out documents have been reviewed by the Borough Attorney and found to be satisfactory; 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 Change Order #1 and Payment Request No. 3 Final in the amount of \$10,847.54 from Coppola Services, Inc. of Ringwood, New Jersey is hereby approved as detailed herein, and the Treasurer is authorized to issue same.

**Resolution 2013-165 Authorizing Payment #4 – Clyde M. Lattimer & Son Construction Company, Inc. (Primary Clarifier Upgrade)**

Councilmember Bluth moved resolution 2013-165, Councilmember Bibens seconded.

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

Resolution adopted 6-0.

Resolution 2013-165  
*BOROUGH OF HIGHTSTOWN*  
*COUNTY OF MERCER*  
*STATE OF NEW JERSEY*

**AUTHORIZING PAYMENT # 4 – CLYDE B. 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 #4 related to equipment storage for the project in the total amount of \$3,825.72; and

**WHEREAS**, the Borough Engineer has recommended approval of payment #4 to Clyde B. Lattimer & Son Construction Co., Inc. in the amount of \$3,825.72; 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. 4 to Clyde B. Lattimer & Son Construction Co., Inc. of Berlin, New Jersey in the amount of \$3,825.72 is hereby approved as detailed herein, and the Treasurer is authorized to issue same.

**Resolution 2013-166 Authorizing Payment #3 Final – Richard T Barrett Paving Company, Inc. (Summit Street Sidewalk Improvements)**

Council President Quattrone moved resolution 2013-166, Councilmember Bibens seconded.

There was discussion.

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

Resolution adopted 6-0.

Resolution 2013-166  
*BOROUGH OF HIGHTSTOWN*  
*COUNTY OF MERCER*  
*STATE OF NEW JERSEY*

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**AUTHORIZING PAYMENT # 3 AND FINAL – RICHARD T. BARRETT PAVING COMPANY,  
INC. (SUMMIT STREET SIDEWALK IMPROVEMENTS)**

**WHEREAS**, on October 17, 2011, the Borough Council awarded a contract for the Summit Street Sidewalk project to Richard T. Barrett Paving Company, Inc. of Trenton, New Jersey in the amount of \$143,990.00; and

**WHEREAS**, the contractor has submitted payment request #3 Final for work completed in the amount of \$2,849.47; and

**WHEREAS**, the Borough Engineer has recommended approval payment #3 Final to Richard T. Barrett Paving Company, Inc. in the amount of \$2,849.47; and

**WHEREAS**, the required certified payrolls have been submitted and all close-out documents have been reviewed by the Borough Attorney and found to be satisfactory; 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 #3 Final from Richard T. Barrett Paving Company, Inc. of Trenton, New Jersey in the amount of \$2,849.47 is hereby approved as detailed herein, and the Treasurer is authorized to issue same.

**Ordinance 2013-17 First Reading and Introduction** An Ordinance Amending and Supplementing Chapter 13 Entitled “Housing”, Section 13-8, Entitled “Certificate of Compliance Requirement for Changes to Occupancy of Rented Dwellings”, Subsection 13-1-1 Entitled “Certificate of Compliance Required, Exceptions” of the “Revised General Ordinances of the Borough of Hightstown, New Jersey

Councilmember Thibault moved ordinance 2013-17 for introduction, Councilmember Doran seconded.

There was discussion regarding the type of inspections to be held, proper licensing needed to perform the inspections, and New Jersey State legislation that is pending on the matter.

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

Ordinance introduced 4-2, public hearing to be held on August 19, 2013.

**Ordinance 2013-17**  
*BOROUGH OF HIGHTSTOWN*  
*COUNTY OF MERCER*  
*STATE OF NEW JERSEY*

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 13 ENTITLED “HOUSING”, SECTION 13-8, ENTITLED “CERTIFICATE OF COMPLIANCE REQUIREMENT FOR CHANGES IN OCCUPANCY OF RENTED DWELLINGS”, SUBSECTION 13-8-1 “CERTIFICATE OF COMPLIANCE REQUIRED; EXCEPTIONS” OF THE “REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN, NEW JERSEY**

**WHEREAS**, the Mayor and Council wish to amend certain provisions contained within Chapter 13, Section 13-8, Subsection 13-8-1 of the Borough Code relating to exemptions as set forth herein.

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

Section 1: Chapter 13 Entitled “Housing”, Section 13-8, Entitled “Certificate of Compliance Requirement for Changes in Occupancy of Rented Dwellings”, Subsection 13-8-1 “Certificate of Compliance Required; Exceptions” of the “Revised General Ordinances of the Borough of Hightstown, New Jersey” is hereby amended and supplemented as follows (additions are shown with underline ; deletions are shown with ~~strikeout~~):

August 5, 2013

### **Subsection 13-8-1 Certificate of Compliance Required; Exceptions.**

The rental and occupancy of buildings and parts thereof for human habitation or use shall be subject to the following: No person shall rent to another or suffer or permit occupancy by another of any building or part thereof for human habitation or use without first obtaining from the Housing Inspector a certificate stating that the premises, at the time of the proposed rental to or occupancy by such other person, comply with the requirements of the housing standards set forth in this chapter, provided that this section shall not apply to:

a. Rental or occupancy under a temporary permit issued by the Housing Inspector authorizing rental or occupancy for a specified period, not to exceed sixty (60) days, during the making of repairs, alterations and improvements required by such inspection certificate;

b. ~~Rentals to or occupancies by students, faculty or staff of nonprofit educational institutions of on-campus premises owned and maintained by such institutions, nor shall it apply to~~ Transient occupancies of hotel rooms.

This section shall apply to all dwellings and dwelling units and shall include single-family dwellings, any multiple dwelling or apartment house, or any rented dwelling unit in a commercial or mixed-use building. The certificate required herein shall be obtained prior to a change of occupancy in any such dwelling, except that if the unit is a dormitory room or other similar housing unit used temporarily by student(s) as part of a college, school, academy, seminary or similar educational institution, then a new certificate must be obtained on an annual basis rather than prior to each new occupancy. (1991 Code § 121-48; Ord. No 823 § 7)

### **13-8-2 Fees; Inspections.**

The Housing Code Certificate required by subsection 13-8.1 hereof shall be secured from the Borough Housing Inspector. At the time of the application for such Certificate, a fee of sixty (\$60.00) dollars per unit shall be paid. The fee shall cover the application and initial inspection of the premises and the issuance of the Certificate. In the event that any additional inspections of the premises are required because of a failure of the landlord or owner to comply with the provisions of this chapter, an additional fee of twenty-five (\$25.00) dollars shall be paid for each additional inspection required. All fees shall be made payable to the Borough and be delivered to the Housing Office and turned over to the Borough Treasurer. In the event of cancellation of a requested inspection, the Housing Department must be notified within twenty-four (24) hours prior to the scheduled inspection time. Failure to do so will result in forfeiture of the inspection fee. (1991 Code § 121-49; Ord. No. 823 § 7; Ord. No. 2004-31 §5)

Section 2. All other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

Section 3. In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to that portion of the Ordinance actually adjudged to be invalid, and the remaining portions of this Ordinance shall be deemed severable therefrom and shall not be affected.

Section 4. This Ordinance shall take effect following final passage and publication in accordance with the law.

**Ordinance 2013-18 First Reading and Introduction** An Ordinance Supplementing, Amending and Revising Chapter 19, Entitled "Water and Sewer", Section 19-2 Entitled "Charges and Rents", of the "Revised General Ordinances of the Borough of Hightstown"

Councilmember Woods moved ordinance 2013-18 for introduction, Councilmember Bluth seconded.

There was discussion and Councilmember Doran noted that she has spoken with the Collector and while she still has concerns with discontinuing water service, a requirement for door hangers to be delivered to the residence is being added to the ordinance.

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

Ordinance introduced 6-0, public hearing to be held on August 19, 2013.

Ordinance 2013-18  
*BOROUGH OF HIGHTSTOWN*

August 5, 2013

*COUNTY OF MERCER  
STATE OF NEW JERSEY*

**AN ORDINANCE SUPPLEMENTING, AMENDING AND REVISING CHAPTER 19, ENTITLED "WATER AND SEWER", SECTION 19-2 ENTITLED "CHARGES AND RENTS", OF THE "REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN"**

**WHEREAS**, the Mayor and Council wish to amend certain provisions contained within Chapter 19, Section 19-2, of the Hightstown Borough Code.

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

Section 1: Chapter 19 Entitled "Water and Sewer", Section 19-2, Entitled "Charges and Rent", of the "Revised General Ordinances of the Borough of Hightstown, New Jersey" is hereby amended and supplemented as follows (additions are shown with underline ; deletions are shown with ~~strikeout~~):

**Section 19-2  
CHARGES AND RENTS**

**Subsections:**

<b>19-2-1</b>	<b>Applicability; Payment of Charges.</b>
<b>19-2-2</b>	<b>Water Charges.</b>
<b>19-2-3</b>	<b>Sewer Charges.</b>
<b>19-2-4</b>	<b>Supplying Water and Sewer Services Outside Borough.</b>
<b>19-2-5</b>	<b>Formula for Billing.</b>
<b>19-2-6</b>	<b>Connections to Be Supervised; Application.</b>
<b>19-2-7</b>	<b>Connection Charge.</b>
<b>19-2-8</b>	<b>Billing.</b>
<b>19-2-9</b>	<b>Water Meters; Accessibility; Repairs; Line Maintenance.</b>
<b>19-2-10</b>	<b>Swimming Pools.</b>

**Subsection 19-2-1 Applicability; Payment of Charges.**

a. The following schedule of charges and rents for connection with and the use and service of the water and sewer system are fixed and prescribed under the separate schedules set forth below, and the schedules are to apply to each business unit and dwelling unit, as those terms are defined in subsection 19-2.5b., and which are referred to herein as "premises" or "unit," which may have a connection with the sewer and water system. The Borough shall charge to the owner of each premises or unit, and each owner shall pay to the Borough quarterly, the following charges and rents per quarter without discount or rebate for or on account of disconnection from or nonuse of the water and sewer system for a portion of a quarter.

b. All water and sewer bills shall be payable within thirty (30) days from the date of billing. Water and sewer charges shall bear interest at the same rate as delinquent taxes, commencing thirty (30) days from the date of the bill.

c. If payment of any water or sewer rent or rents or for work done or materials furnished is not made within ~~sixty (60)~~ forty-five (45) days of the date when due, the water may be shut off from such real estate in accordance with the process specified in Subsection 19-2-8c and shall not be again supplied thereto until the arrears with interest and penalties shall be fully paid.

d. If any water or sewer rent or other charge shall remain in arrears for six (6) months, the officer charged with the duty of collecting water or sewer rents shall file with the officer charged with the collection of tax arrears a statement showing such arrearages, and from the time of such filing, the water or sewer rent or other charge shall be a lien upon the real estate to which the water or sewer service was furnished and in connection with which the charges were incurred to the same extent as taxes are a lien upon real estate in the municipality and shall be collected and enforced by the same officers and in the same manner as liens for taxes.



e. The Borough shall not charge standby fees for any new fire protection system required to be installed pursuant to the "Dormitory Safety Trust Fund Act", N.J.S.A. 52:27D-198.9, as amended.

(1991 Code § 227-7; Ord. No. 836 § 1; Ord. No. 2003-08)

**Subsection 19-2-2 Water Charges.**

- a. Quarterly base charge for water connections  
(per connection unit) \$37.50 per unit
- b. Quarterly base charge for auxiliary residential  
water-only connection (per connection unit), installed  
as per subsection 19-2.5c \$25.00 per unit
- c. Water usage charge per each 100 cubic feet  
of metered water usage (all account types except  
auxiliary residential water-only connections) \$1.85
- d. Water usage charge per each 100 cubic feet of metered water usage for  
auxiliary residential water-only connections \$2.85 per unit
- e. Tanked water \$10.00 per  
1,000 gallons
- f. Quarterly base charge for private fire service lines:  
Size of fire service line  
2" \$10.00  
4" \$50.00  
6" \$155.00  
8" \$335.00  
10" \$600.00

g. The Borough shall assess a charge of fifteen (\$15.00) dollars for all water meter readings not required for the calculation of quarterly water bills.

(1991 Code § 227-8; Ord. No. 836 § 2; Ord. No. 1995-11 § 1; Ord. No. 1996-20 § 2; Ord. No. 2002-11; Ord. No. 2002-24; Ord. No. 2004-04; Ord. No. 2004-10; Ord. No. 2006-29)

**Subsection 19-2-3 Sewer Charges.**

The following charges and rents shall be charged for use of the sewer system. For premises connected with the water mains of the public water and sewer system owned by the Borough, a sum shall be charged in accordance with the following rates and be computed from the amount and use of water taken from the water mains during the most recently billed quarter of the calendar year as evidenced by the reading of the water meter for the premises. Sewer charges shall be based upon the following:

- a. Quarterly base charge for sewage connections (per connection unit)  
whether or not any water is used during the quarter \$60.00 per unit
- b. Sewage usage charge per each 100 cubic feet of metered water usage  
(all account types) \$3.85

c. For processing of grey water delivered via tank truck by commercial entities:

- (1) For the first 1,500,000 gallons delivered by a commercial entity within a calendar year \$33.00 per 1,000 gallons
- (2) For volume in excess of 1,500,000 gallons delivered by a commercial entity within a calendar year \$26.00 per 1,000 gallons
- (3) The contents of each tanker will be tested so as to determine the pH level of the material.

For material with a measured pH  
found to be between 5.0 and 5.5, an additional surcharge will be \$ 5.00 per  
assessed 1,000 gallons

For material with a measured pH  
found to be below 5.0, an additional surcharge \$10.00 per  
will be assessed 1,000 gallons

d. For processing of septic tank waste delivered via tank truck by commercial entities:

(1) Septic containing less than 3% total solids:

- (1.1) For the first 1,500,000 gallons delivered by a commercial entity within a calendar year \$53.00 per 1,000 gallons
- (1.2) For volume in excess of 1,500,000 gallons delivered by a commercial entity within a calendar year \$45.00 per 1,000 gallons
- (1.3) The contents of each tanker will be tested so as to determine the pH level of the material.

For material with a measured pH  
found to be between 5.0 and 5.5, an additional surcharge will be \$ 5.00 per  
assessed 1,000 gallons

For material with a measured pH  
found to be below 5.0, an additional surcharge \$10.00 per  
will be assessed 1,000 gallons

(2) Septic containing greater than 3% total solids but less than 4% total solids:

- (2.1) Per 1,000 gallons \$63.00
- (2.2) The contents of each tanker will be tested so as to determine the pH level of the material.

For material with a measured pH  
found to be between 5.0 and 5.5, an additional surcharge will be \$ 5.00 per  
assessed 1,000 gallons

For material with a measured pH  
found to be below 5.0, an additional surcharge \$10.00 per  
will be assessed 1,000 gallons

(3) Septic containing greater than 4% total solids but less than 5% total solids:

(3.1) Per 1,000 gallons \$73.00

(3.2) The contents of each tanker will be tested so as to determine the pH level of the material.

For material with a measured pH  
found to be between 5.0 and 5.5, an additional surcharge will be \$ 5.00 per  
assessed 1,000 gallons

For material with a measured pH  
found to be below 5.0, an additional surcharge \$10.00 per  
will be assessed 1,000 gallons

(4) Septic containing greater than 5% total solids:

(4.1) Per 1,000 gallons \$83.00

(4.2) The contents of each tanker will be tested so as to determine the pH level of the material.

For material with a measured pH  
found to be between 5.0 and 5.5, an additional surcharge will be \$ 5.00 per  
assessed 1,000 gallons

For material with a measured pH  
found to be below 5.0, an additional surcharge \$10.00 per  
will be assessed 1,000 gallons

(5) Septic (Jugglers):

(5.1) Per 1,000 gallons or any portion thereof \$83.00

(5.2) The contents of each tanker will be tested so as to determine the pH level of the material.

For material with a measured pH  
found to be between 5.0 and 5.5, an additional surcharge will be \$ 5.00 per  
assessed 1,000 gallons

For material with a measured pH  
found to be below 5.0, an additional surcharge \$10.00 per  
will be assessed 1,000 gallons

(6) Car Wash:

(6.1) Per 1,000 gallons or any portion thereof \$63.00

(6.2) The contents of each tanker will be tested so as to determine the pH level of the material.

For material with a measured pH  
found to be between 5.0 and 5.5, an additional surcharge will be \$ 5.00 per  
assessed 1,000 gallons

For material with a measured pH  
found to be below 5.0, an additional surcharge \$10.00 per  
will be assessed 1,000 gallons

e. Septic from Recreational Vehicles (RV): Per 1,000 gallons or any portion thereof \$10.00

f. For processing of fats and grease derived solely from animal, and/or vegetable sources delivered via tank truck by \$105 per

commercial entities, BY APPOINTMENT ONLY: 1,000 gallons

g. No petroleum oil or grease from mineral sources will be accepted at the Advanced Wastewater Treatment Plant.

h. The term "calendar year" as used in this Section shall be the period between January 1 and December 31.

(1991 Code § 227-9; Ord. No. 836 § 3; Ord. No. 1995-11 § 2; Ord. No. 1996-7 §§ 1, 2; Ord. No. 1996-20 §3; Ord. No. 2002-11; Ord. No. 2003-30; Ord. No. 2005-10; Ord. No. 2006-29; Ord. No. 2008-15; Ord. No. 2011-12; Ord. No. 2013-11)

#### **Subsection 19-2-4 Supplying Water and Sewer Services Outside Borough.**

The charges for supplying water and sewer service outside the corporate limits of the Borough shall be the same as set forth in subsection 19-2.2 and subsection 19-2.3. (1991 Code § 227-10; Ord. No. 836 § 4; Ord. No. 1995-11 § 3; Ord. No. 1996-20 § 4)

#### **Subsection 19-2-5 Formula for Billing.**

a. For sewer service where non-Borough water is used, the quarterly base charge shall be the same as set forth in subsection 19-2.3a and the charge per each one hundred (100) cubic feet of metered sewage flow shall be the same as set forth in subsection 19-2.3b.

b. Each dwelling unit and each business unit with water and sewer in a building or structure shall be considered as a separate entity for rate purposes. If a water meter or sewage flow meter is provided for each dwelling unit and for each business unit, the rate set forth above shall prevail. Otherwise, each dwelling unit and business unit shall be billed in accordance with the following formula:

1. For business units except restaurants, billing for base charges shall be determined by the number of fixtures within the business unit. Every ten (10) fixtures or fraction thereof shall constitute one (1) base charge.. The determination of the number of fixtures in a business unit shall be made by the Water Plant Operator.
2. Restaurants shall be billed at the rate of one (1) base charge for each restaurant plus an additional one-fourth (¼) base charge for each ten seats or fraction thereof.
3. Dwelling units. Each dwelling unit as defined herein shall constitute (1) one base charge.
4. The minimum rate shall apply to each dwelling unit and each business unit, and to that rate shall be added the average rate of water or sewer used according to the meter divided by the number of dwelling units and business units. In any event, the bill for each quarter shall not be less than the total of the minimum rates for each dwelling unit and each business unit.
5. "Business unit" shall mean any place of business of whatever nature using water and sewer fixtures within its own floor space.
6. "Dwelling unit" shall mean any room or group of rooms located within a building and forming a single habitable unit with facilities which are used or can be used for living, sleeping, cooking and eating.
7. "Fixture" shall mean a toilet, sink, urinal, shower, washing machine, dishwasher or swimming pool.

c. Separate Water Meters.

1. A property owner may install a separate water meter, located on the owner's premises before the point of the water meter serving the premises, provided that none of the water flowing through the separate meter is ultimately discharged into the Borough's sanitary sewer system. The quantity of water so used and not discharged into the Borough's sewer system shall not be used to calculate sewer charges and rents.

2. The aforesaid separate meter shall be furnished to the property owner by the Borough; upon receipt of the meter, the property owner shall reimburse the Borough for the cost of the meter. It shall be the responsibility of the property owner to obtain any necessary permit, and to have the meter properly installed and located in accordance with the requirements of the Plumbing Subcode Official. The cost of the permit, installation and inspection of the meter and any related work shall be borne by the property owner.

3. The Borough shall retain ownership of the separate water meter and shall maintain it in the same manner as the principal water meter on the owner's premises. The Borough shall have no responsibility for maintenance or repair of any equipment other than the meter itself. The responsibilities of the property owner and the Borough shall be as set forth in

subsection 19-2.9.

4. A separate Borough water account shall be established for a property owner who installs a separate water meter, and the property owner shall be billed for water usage through the separate meter as set forth in subsections 19-2.1 and 19-2.2. Provided the water flowing through the meter is not discharged into the Borough's sewer system, the water usage shall not be used to calculate sewer charges and rents.

5. Any property owner or other person or entity who discharges into the Borough's sewer system any of the water which has passed through the separate water meter shall be subject to one (1) or more of the following:

- (a) Calculation of sewer charges and rents based upon part or all of the water flowing through the separate water meter;
- (b) Removal of the separate water meter by the Borough at the property owner's expense;
- (c) Termination of the separate water account;
- (d) Imposition of the penalties as set forth in Section 19-4.

The final determination with respect to action under paragraphs (a), (b) and (c) hereof shall rest with the Mayor and Council. (1991 Code § 227-11; Ord. No. 857 § 1; Ord. No. 1996-20 § 5; Ord. No. 2002-24)

**Subsection 19-2-6 Connections to Be Supervised; Application.**

a. No connection or tapping of the Borough water or sewer lines shall be made except by or under the supervision of the Borough Engineer, the Superintendent of Public Works, the Superintendent of the Sewer Department, Water Department or the Plumbing Subcode Official.

b. All connections shall be made by application to the Superintendent of the Public Works Department for approval, who shall notify the Borough Engineer and Plumbing Subcode Official of each application.

(1991 Code § 227-12; Ord. 2002-24)

**Subsection 19-2-7 Connection Charge.**

a. Whenever a service connection to a water or sewer main is made, or when a property is redeveloped and/or an increase in water or sewage usage is requested, the owner of the property for whose benefit the connection is made shall pay a charge therefor. For purposes of this section, the term "redeveloped" shall include, but not be limited to, circumstances where the use of a property is changed or the intensity of the use of a property is increased. A connection unit, which shall be the basic unit upon which user fees and rates are established, shall be equivalent to usage of 300 gallons per day (g.p.d.). Each dwelling unit shall be assigned one (1) water and (1) sewer connection unit. The number of water and sewer connection units to be assigned to each business unit, excluding industrial users, shall be based on the projected flow for such unit calculated in accordance with N.J.A.C. 7:14A-23.3. For each connection unit, a connection fee shall be paid as follows:

- |                          |            |
|--------------------------|------------|
| 1. Water Connection Fee: | \$4,232.00 |
| 2. Sewer Connection Fee: | \$2,177.00 |

Connection fees shall be paid at the rate in effect at the time that the connection is made. The fee shall be due and payable upon presentation of the approved application to the Department of Public Works, who shall issue the permit upon receipt of the fee. Payment shall be made prior to the issuance of a temporary or regular certificate of occupancy. All such fees collected by the Public Works Department shall be turned over by that Department to the Borough Treasurer on a daily basis.

b. If the Borough finds it necessary to make a new connection with the water or sewer main in front of any property for the benefit of the property, the connection shall be deemed necessary for the proper functioning of the water and sewer utility system in connection with service to the property, and if the fee aforesaid shall not be paid, the stated fee shall be a lien upon the house, tenement, building or lot until paid and satisfied and, after notice thereof by registered mail to the owner, shall carry interest at the rate of eight (8%) percent until paid and satisfied.

c. The property owner shall be responsible for the cost of installation and repair of sewer and water lines as follows:

1. Water lines: from (but not including) the curb stop located in the Borough right-of-way to the house, tenement, building, structure or lot, or if there is no curb stop, from a point two (2) feet beyond the edge of the Borough's cartway to the house, tenement, building, structure or lot.

2. Sewer lines: from a point two (2) feet beyond the edge of the Borough's cartway to the house, tenement, building, structure or lot.

The connection charges shall be in accordance with the foregoing paragraphs a.1 through a.4., inclusive. Prior to any such installation or repair, the property owner shall coordinate such activity with the Superintendent of the Public Works Department, and shall obtain any required permits. Each such owner shall indemnify and save harmless the Borough from any and all loss or damage that may be occasioned, directly or indirectly, as a result of construction or repair of such sewer or water lines. (1991 Code § 227-13; Ord. No. 820 §1; Ord. No. 2002-24; Ord. No. 2003-18; Ord. No. 2004-07; Ord. No. 2005-05; Ord. No. 2006-11; Ord. No. 2007-03; Ord. No. 2008-08; Ord. No. 2009-07; Ord. No. 2010-10)

#### **Subsection 19-2-8 Billing.**

a. Billing to Owners. Billing by the Borough water and sewer utility office shall be to the record owners of the lot served by the utility.

b. Procedure for Unpaid Bills. Use charges for water and sewer service shall be a first lien or charge against the property benefitted therefrom. The liens shall be enforceable in the manner provided for real property tax liens in Chapter 5 of Title 54 of the New Jersey Revised Statutes.

Unpaid water and sewer charges shall be subject to an interest charge in the same manner as past-due real property taxes in the Borough.

c. Discontinuance of Service.

(1) Discontinuance of service due to nonpayment of charges. The Borough Administrator may discontinue water and/or sewer service to any property if any water and/or sewer charges for such property are more than ~~ninety (90) days~~ forty-five (45) days in arrears for residential ~~or non-residential properties, or thirty (30) days in arrears for non-residential properties,~~ if written notice of the proposed discontinuance of service and of the reasons therefor is given to the owner of record of the property at least fifteen (15) calendar days prior to the date of discontinuance. The notice shall be deemed complete if it is (1) mailed by regular mail ~~and by certified mail/return receipt requested~~ to the last known address of the owner of record, (2) mailed by regular mail for information purposes to any known occupant, ~~and~~ (3) postmarked at least fifteen (15) days prior to the date of discontinuance, and (4) posted in a conspicuous manner at the property at least fifteen (15) days prior to the date of discontinuance.

(2) Discontinuance of service at request of property owner. Water and/or sewer service may be temporarily discontinued to any property at the request of the property owner, provided that the property is unoccupied. Such requests for temporary discontinuation of service shall be made in writing, signed by the property owner, and shall certify that the property is unoccupied. Accounts for which service has been temporarily discontinued in accordance with this Section shall continue to accrue quarterly base charges for water and sewer as set forth in Section 19-2.2, and the property owner will continue to bear full responsibility for payment of same as set forth in paragraphs a. and b. above.

(3) In the event that the Borough discontinues water service, whether or not at the request of the property owner, a fee of fifty (\$50.00) dollars shall be charged for reestablishment of water service. Billing of the charge and the procedure for unpaid bills shall be as set forth in paragraphs a. and b. above.

d. Disputed bills related to water leaks. Water charges will not be waived if a leak occurs after the water meter. Sewer charges may be waived if the water plant operator can verify that the water which leaked did not enter the sewer system, or if a licensed plumber provides written verification that the water which leaked did not enter the sewer system.

(1991 Code § 227-14; Ord. No. 827 § 1; Ord. No. 855 § 1; Ord. No. 1997-34 § 1; Ord. No. 2002-24; Ord. No. 2003-01; Ord. No. 2004-10)

**Subsection 19-2-9 Water Meters; Accessibility; Repairs; Line Maintenance.**

a. Water Meters to Be Furnished by Borough. All water meters shall be furnished to the property owner by the Borough. For all new water meters and for replacement meters installed due to damage or neglect by the property owner, the property owner shall reimburse the Borough for the cost of the meter. The charges for such meter shall, if not paid, become a lien upon the property and be collected as other water and sewer utility liens may be collected by law. Installation after the effective date of this Ordinance of any water meter not furnished by the Borough shall constitute a violation of this Code.

b. Permitting and Installation of Meters to be Responsibility of Property Owner. It shall be the responsibility of the property owner to obtain any necessary permit, and to have the meter properly installed and located in accordance with the requirements of the Plumbing Subcode Official. The cost of the permit, installation and inspection of the meter and any related work shall be borne by the property owner.

c. Water Meters to Be Accessible. All water meters shall be accessible to the meter reader during the Borough's regular hours of operation as established annually by Resolution of the Borough Council. Notice may be given by the Superintendent of Public Works, the Borough Water Department, the Borough Administrator or by any official duly authorized by the Borough Council to any property owner advising that the location of the water meter is not satisfactory to the Borough because of inaccessibility and directing that the meter be relocated at a place approved by the Borough. Such notice shall be deemed to be complete if it is mailed by the Borough via regular and certified mail, return receipt requested, to the property owner of record. A reasonable time to accomplish the removal of any meter to a new location shall be afforded but shall be not less than thirty (30) days. If the meter is not relocated in accordance with the notice, the Borough may relocate the meter and charge the cost of relocation to the owner of the property to be collected at such time as water and sewer utility bills are issued. The responsible charges for such location shall, if not paid, become a lien upon the property and be collected as other water and sewer utility liens may be collected by law.

d. Replacement of Water Meters. In the event that a water meter is not working properly, or if the Borough requires replacement of the meter for any other reason, written notice may be given by the Superintendent of Public Works, the Borough Water Department or the Borough Administrator or by any official duly authorized by the Borough Council to any property owner directing that the meter be replaced. Such notice shall be deemed to be complete if it is mailed by the Borough via regular and certified mail, return receipt requested, to the property owner of record. The property owner shall contact the Borough Water Department within 30 days of the date of notice to arrange for replacement by the Borough of the meter. If there is no response by the property owner within such time, or if property owner fails to make the meter accessible as provided in paragraph c. above within such time, service shall be immediately discontinued, with the exception of any development where water service is shared by more than one property owner. In those cases, service shall not be discontinued; however, the property owner shall be subject to fines and/or penalties as set forth in Section 4.1 of this Chapter.

e. Costs and Repairs to Water Meters. All costs of ~~or~~ repairs to water meters which become necessary by reason of damage or neglect by the property owner or his tenant or occupant, including allowing the meter to freeze, shall be charged against the owner of the premises whose neglect or whose tenant's or occupant's neglect is responsible therefor. Charges shall be reasonable and shall include the cost of labor and materials as certified by the Superintendent of Public Works, and shall be billed to the owner on whose property the damaged meter is located. In the event of failure to pay when billed, such reasonable charges shall become a lien upon the premises and be collected as other water and sewer utility liens are collected by law.

f. Responsibility; for Maintenance of Meters and Line to Premises; Ownership of Meters.

- (1) The Borough shall retain ownership of all water meters.
- (2) The Borough shall be responsible for routine maintenance of all water meters up to 5/8 inch. The Borough shall have no responsibility for maintenance or repair of any equipment other than the meter itself.
- (3) The property owner shall:
  - a. Be responsible for maintenance of all water meters over 5/8 inch, and keep such meters in good repair and protected at all times from damage from any cause.
  - b. Be responsible for the maintenance of the water and sewer service line between the curb line and the premises and ~~2-1/2~~ keep such line in good repair and protected at all times from damage from

- any cause.
- c. Be held liable for damage or loss of water or sewage from failure to do so.
- d. Report promptly to the Department and shall repair all leaks in the service from the curb line to the premises. If repairs are not so made, the water shall be shut off by the Water Department and not turned on again until the line is placed in serviceable condition and all charges for damage or loss of water have been paid.
- g. Prohibition; Curb Turnoff or Turn-on. No person, except an employee of the Water Department, shall turn water on or off at a curb stop unless an emergency exists. In such case the Water Department shall be advised immediately of the action taken.

(1991 Code § 227-15; Ord. No. 2002-11; Ord. No. 2004-10; Ord. No. 2006-20)

#### **Subsection 19-2-10            Swimming Pools.**

Any property owner having a swimming pool upon premises served by the Borough water supply may apply for a permit to fill the swimming pool with water. Thereafter, upon certification by the Superintendent of the Water Department as to the size of the pool, that it has been filled after the granting of such a permit, and the amount of water used to fill the pool, such amount of water shall be deducted from the calculation of sewer charges and rents on the next bill to be rendered by the Borough for the premises. All applications for such permits shall be made to and upon forms supplied by the Borough Clerk and shall be processed upon payment of a fee of fifteen (\$15.00) dollars for each permit. To be eligible for such deduction, the property owner shall not fill the pool until after it has been inspected by the Superintendent of the Water Department. Nothing herein shall prevent a property owner from filling a swimming pool without a permit; however, such property owner shall not be eligible for the aforesaid deduction. (1991 Code § 227-16; Ord. No. 855 § 2; Ord. No. 2008-09)

Section 2.     All other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

Section 3.     In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to that portion of the Ordinance actually adjudged to be invalid, and the remaining portions of this Ordinance shall be deemed severable therefrom and shall not be affected.

Section 4.     This Ordinance shall take effect following final passage and publication in accordance with the law.

**Ordinance 2013-19 First Reading and Introduction** A Bond Ordinance Providing for Water and Sewer Improvements for the Grape Run Road and Pershing Avenue Project for the Water and Sewer Utility in and by the Borough of Hightstown, in the County of Mercer, New Jersey, Appropriating \$86,000 Therefor and Authorizing the Issuance of \$86,000 Bonds or Notes of the Borough for Financing the Cost Thereof

Councilmember Bibens moved ordinance 2013-19 for introduction, Council President Quattrone seconded.

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

Ordinance introduced 6-0, public hearing to be held on August 19, 2013.

**Ordinance 2013-19**  
*BOROUGH OF HIGHTSTOWN*  
*COUNTY OF MERCER*  
*STATE OF NEW JERSEY*

**BOND ORDINANCE PROVIDING FOR WATER AND SEWER IMPROVEMENTS FOR  
THE GRAPE RUN ROAD AND PERSHING AVENUE PROJECT FOR THE WATER  
AND SEWER UTILITY IN AND BY THE BOROUGH OF HIGHTSTOWN, IN THE  
COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$86,000 THEREFOR AND  
AUTHORIZING THE ISSUANCE OF \$86,000 BONDS OR NOTES OF THE BOROUGH  
FOR FINANCING THE COST THEREOF.**



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

Section 1. The 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"). For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$86,000. No down payment is required as the purpose authorized herein is deemed self-liquidating and the obligations authorized herein are deductible from the gross debt of the Borough, as more fully explained in Section 6(e) of this bond ordinance.

Section 2. In order to finance the cost of the improvement or purpose, negotiable bonds are hereby authorized to be issued in the principal amount of \$86,000 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 for water and sewer improvements to the Grape Run Road and Pershing Avenue Project for the water and sewer utility, as more fully described on a list on file in the Office of the Clerk which is hereby incorporated by reference as if set forth at length, including all work and materials necessary therefor and incidental thereto and further including all related costs and expenditures incidental thereto.

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

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

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 bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

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

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

(a) The 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 self-liquidating purpose of a municipal public utility. No part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The 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 bond ordinance, is 10 years.

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

ordinance by \$86,000, but that the net debt of the Borough determined as provided in the Local Bond Law is not increased by this bond ordinance. The obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$5,000 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.

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

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

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

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

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

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

**Ordinance 2013-20 First Reading and Introduction** An Ordinance Establishing a Salary Range for and the Title of Records Management and System Administrator and Administrative Assistant to the Police Director of the Borough of Hightstown

Council President Quattrone moved ordinance 2013-20 for introduction, Councilmember Doran seconded.

There was discussion regarding changing the title from Administrative Assistant to the Police Department to Administrative Assistant to the Police Director, use of Civil Service job descriptions, the salary range proposed, and salary negotiations.

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 August 19, 2013.

Ordinance 2013-20  
BOROUGH OF HIGHTSTOWN  
COUNTY OF MERCER  
STATE OF NEW JERSEY

**AN ORDINANCE ESTABLISHING A SALARY RANGE FOR AND THE TITLE OF RECORDS  
MANAGEMENT AND SYSTEM ADMINISTRATOR AND ADMINISTRATIVE ASSISTANT TO THE  
POLICE DIRECTOR OF THE BOROUGH OF HIGHTSTOWN**

August 5, 2013

**BE IT ORDAINED** by the Mayor and Council of the Borough of Hightstown, as follows:

**Section 1.** The following official employment designations are hereby confirmed and the rate of compensation of each officer and employee of the Borough of Hightstown, excluding longevity, whose compensation shall be on an annual basis, is:

	<b>RANGING FROM:</b>	<b>TO:</b>
Records Management and System Administrator and Administrative Assistant to the Police Director	\$32,000.00	\$53,000.00

**Section 3.** This Ordinance shall take effect after final passage and publication as provided by law, but the range of compensation herein provided shall be effective July 12, 2013.

**Section 4.** The salary range established in this ordinance supersede any established for the same positions in previous salary ordinances, and will remain in effect until changed by the adoption of a new or amending Salary Ordinance.

**Resolution 2013-167    Payment of Bills**

Councilmember Bibens moved Resolution 2013-167 without Item E0576, Councilmember Woods seconded.

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

Council President Quattrone moved Item E0577 for payment, Councilmember Doran seconded.

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

Resolution adopted, 5-0, with one abstention.

Resolution 2013-167  
*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 \$354,571.90 from the following accounts:

Current		\$243,603.53
W/S Operating		98,556.47
General Capital		2,855.00
Water/Sewer Capital		6.00
Grant		5,000.00
Trust		1,139.81
Housing Trust		0.00
Animal Control		532.80
Law Enforcement Trust		0.00
Housing Rehab Loans		0.00
Unemployment Trust		1,840.43
Escrow		<u>1,037.86</u>
Total		<u>\$354,571.90</u>

**Resolution 2013-168 Authorizing a Special Emergency Appropriation in the Amount of \$ \_\_\_\_\_ for Extraordinary Expenses Incurred in Connection with Flood Damage Caused by Hurricane Irene in and by the Borough of Hightstown, in the County of Mercer, New Jersey and Authorizing the Issuance of Special Emergency Notes to Finance Such Extraordinary Expenses**

Mr. LeTellier advised that \$100,000.00 would be an appropriate amount to be inserted into this resolution.

Councilmember Bluth commented that this resolution is circumventing the bond ordinance that was rescinded and the wording does not conform to state requirements. She has spoken with Local Government Services, and two years later is not an emergency.

Council deferred to the Borough Attorney and he advised Council that Bond Counsel wrote the resolution and questions should be referred to him. There was discussion regarding the inability to move forward with the project, even if the cost is negotiated with the insurance, without available funds. To put the funds in place a bond ordinance will have to be issued, which will be a totally different process and purpose, as the purpose of this resolution is to hire the professionals and perform environmental testing required to continue discussions with the insurance.

Councilmember Bibens moved Resolution 2013-168 with the insertion of \$100,000.00, Councilmember Doran seconded.

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

Resolution adopted 5-1.

Resolution 2013-168  
*BOROUGH OF HIGHTSTOWN*  
*COUNTY OF MERCER*  
*STATE OF NEW JERSEY*

**RESOLUTION AUTHORIZING A SPECIAL EMERGENCY  
APPROPRIATION IN THE AMOUNT OF \$100,000.00 FOR  
EXTRAORDINARY EXPENSES INCURRED IN CONNECTION WITH  
FLOOD DAMAGE CAUSED BY HURRICANE IRENE IN AND BY THE  
BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW  
JERSEY AND AUTHORIZING THE ISSUANCE OF SPECIAL EMERGENCY  
NOTES TO FINANCE SUCH EXTRAORDINARY EXPENSES.**

BE IT RESOLVED 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. A special emergency appropriation is hereby authorized pursuant to N.J.S.A. 40A:4-54, in the amount of \$100,000.00, to provide for extraordinary expenses incurred in connection with flood damage caused by Hurricane Irene.

(a) In order to finance the special emergency appropriation described in Section 1 of this resolution, the Borough is hereby authorized to borrow the sum of \$100,000.00 and to issue its special emergency notes therefor in accordance with the Local Budget Law of New Jersey (N.J.S.A. 40A:4-55). It is anticipated that these costs will ultimately be funded through a bond ordinance to be adopted in accordance with the Local Bond Law.

(b) The special emergency notes authorized by this resolution may be issued in amounts and denominations not exceeding in the aggregate the amount of notes authorized herein, as determined by the chief financial officer of the Borough pursuant to this resolution.

(c) The Borough may finance the special emergency appropriation from surplus funds available or may borrow money in a manner prescribed herein. Where an appropriation is financed from surplus funds available, at least one-fifth of the amount thereof shall be included in each annual budget until the appropriation has been fully provided for.

**The following matters in connection with the notes are hereby determined:**

(a) All notes issued hereunder and any renewals thereof shall mature at such time as may be determined by the chief financial officer within the limitations of the Local Budget Law, provided however, that at least one-fifth of all such notes and the renewals thereof shall mature and be paid in each year so that all notes and renewals shall have matured and have been paid not later than the last day of the fifth year following the date of this resolution;

(b) All notes issued hereunder shall bear interest at such rate or rates as may be determined by the chief financial officer;

(c) The notes shall be in the form determined by the chief financial officer and the chief financial officer's signature upon the notes shall be conclusive as to such determination.

The chief financial officer is hereby authorized and directed to determine all matters in connection with the notes not determined by this or a subsequent resolution and the chief financial officer's signature upon the notes shall be conclusive as to such determination.

The chief financial officer is hereby authorized to sell the notes from time to time at public or private sale in such amounts as such officer may determine at not less than par and to deliver the same from time to time to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof and payment therefor.

Any instrument issued pursuant to this resolution shall be a general obligation of the Borough. 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 and, unless otherwise paid or payment provided for, an amount sufficient for such payment shall be inserted in the budget and a tax sufficient to provide for the payment thereof shall be levied and collected.

The chief financial officer is authorized and directed to report in writing to this governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this resolution is made, such report to include the amount, description, interest rate and maturity of the notes sold, the price obtained and the name of the purchaser.

The Borough hereby declares the intent of the Borough to issue the special emergency notes in the amount authorized in Section 2 of this resolution and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 1 of this resolution. This Section 8 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

A copy of this resolution as adopted shall be filed with the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey.

This resolution shall take effect immediately.

Mr. LeTellier recommended that Council approve a contract with Eli Goldstein, Architect, for phases I and II, to evaluate Borough Hall, so negotiations can continue with the insurance.

There was discussion as to whether the Borough should wait for the air quality testing to be performed before moving forward and it was decided that they would award the contract at this time.

**Resolution 2013-173 Authorizing Services of Goldstein Partnership to Provide Architectural Services for the Municipal Building and Police Facilities**

Councilmember Bibens moved Resolution 2013-173 with a not to exceed amount of \$45,000.00, Councilmember Doran seconded.

Councilmember Bluth objected, noting that more proposals should be acquired.

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

Resolution adopted 5-1.

Resolution 2013-173  
*BOROUGH OF HIGHTSTOWN  
COUNTY OF MERCER  
STATE OF NEW JERSEY*

**AUTHORIZING SERVICES OF THE GOLDSTEIN PARTNERSHIP TO PROVIDE ARCHITECTURAL SERVICES FOR THE MUNICIPAL BUILDING AND POLICE FACILITIES.**

**WHEREAS**, the Borough has determined that it wishes to retain a professional architect to provide services related to the repair/replacement of the Borough's Municipal Building and Police Facilities (also collectively referenced as the "Borough Hall Complex"); and

**WHEREAS**, the Contractor has submitted a proposal to perform these services, dated August 1, 2013; and

**WHEREAS**, the Borough wishes to retain the Contractor to provide the necessary services; and

**WHEREAS**, the services to be provided are considered to be “professional services” under the Local Public Contracts Law, N.J.S.A. 40A:11-1, *et seq.*; and

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

**WHEREAS**, the costs for the proposed services shall not exceed Thirty-Five Thousand (\$35,000.00) plus expenses without further approval of the Governing Body; and

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

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

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

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

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

There was discussion regarding when an Engineer would be needed and the process that would be taken. It was decided that an Engineering contract would also be awarded at this time.

**Resolution 2013-174 Authorizing Services of Robert Engineering Group to Provide Engineering Services for the Municipal Building and Police Facilities**

Councilmember Woods moved Resolution 2013-174 with a not to exceed amount of \$24,000.00, Councilmember Doran seconded.

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

Resolution adopted 5-1.

Resolution 2013-174  
BOROUGH OF HIGHTSTOWN  
COUNTY OF MERCER  
STATE OF NEW JERSEY

**AUTHORIZING SERVICES OF THE ROBERTS ENGINEERING GROUP TO PROVIDE ENGINEERING SERVICES FOR THE MUNICIPAL BUILDING AND POLICE FACILITIES.**

**WHEREAS**, the Borough has determined that it wishes to retain a professional engineer to provide services related to the repair/replacement of the Borough's Municipal Building and Police Facilities (also collectively referenced as the "Borough Hall Complex"); and

**WHEREAS**, the Contractor has submitted a proposal to perform these services, dated August 5, 2013; and

**WHEREAS**, the Borough wishes to retain the Contractor to provide the necessary services; and

**WHEREAS**, the services to be provided are considered to be "professional services" under the Local Public Contracts Law, N.J.S.A. 40A:11-1, *et seq.*; and

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

**WHEREAS**, the costs for the proposed services shall not exceed Twenty-Four Thousand (\$24,000.00) plus expenses without further approval of the Governing Body; and

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

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

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

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

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



## **Resolution 2013-169 Authorizing the Issuance of an Auction License – Empire Antiques**

Councilmember Bibens moved Resolution 2013-169, Council President Quattrone seconded.

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

Resolution adopted 6-0.

Resolution 2013-169  
*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, September 7, 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, September 7, 2013 at 278 Monmouth Street.

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

Eugene Sarafin, 628 S. Main Street – commented that he is not against Borough Hall, but negotiations with the insurance must continue; he trusts this Architect.

Scott Caster, 12 Clover Lane – commented that the addition of the name plates to the table is an improvement; he supports ordinance 2013-17 if the intent is fairness, but if it to get Peddie, then he does not support it; requested information on the job description for Administrator; the resolution passed tonight was an emergency.

J P Gibbons, 602 N. Main Street – commented on the extension of the lease on the Lucas property, and the lack of an ordinance for it.

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

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

**Councilmember Thibault** – Inquired of the Police Director if the recent case was from an illegal taxi operator and expressed concern regarding the citizenship of the perpetrator; inquired as to the percentage of crime committed in the Borough by illegal residents versus citizens.

Police Director LeTellier advised that the information on the case is restricted because the case is active; however, legally you cannot ask the legal status of victims, but can of criminals and then contact ICE if they are illegal. A press release on the case has been issued and he is very proud of the Officers and First Aid Squad.

**Councilmember Bluth** – noted that a Planning Board workshop for the Master Plan was held last week and focused on the Route 33 Corridor; the next meeting is scheduled for September 6<sup>th</sup>; a public hearing on the Route 33 Corridor will be held on August 12<sup>th</sup>; tomorrow is the National Night Out, but there is nothing on the police website about it.

**Councilmember Bibens** – commented that she believes Mr. Goldstein is spot on; there is a Harvest Fair Committee meeting on Wednesday and they are in need of volunteers; she will address the code enforcement report issue; noted that she is pleased with the Administrative offices.

**Councilmember Doran** – stated that the Housing Authority received a grant for energy efficiency and water conservation, and the entire complex is going smoke free; the Environmental Commission is getting attention for the stormwater ordinance.

**Councilmember Woods** – encouraged the public to attend the August 12<sup>th</sup> Planning Board meeting; noted that quarterly charges for fire water service lines is going into enforcement.

**Council President Quattrone** – noted that recycling is up and trash is down, which is a good thing; the Peterbilt is in for repair again, it is getting old and gets a lot of use; advised that there was a meeting with the Administrator, CFO and the First Aid regarding LOSAP and it is getting straightened out; the police are doing a good job; Downtown looks good; he is excited about the South Academy project; it is costing \$100,000 to find out where we stand with Borough Hall; we need to find out if we can extend the lease on the Lucas property.

**Administrator/Police Director LeTellier** – noted that National Night Out is tomorrow and there will be free raffles.

**Municipal Clerk Sopronyi** – reminded everyone that the special Senatorial Primary Election will be held on August 13<sup>th</sup>, and that all polling districts are now located at the Firehouse.

Councilmember Bibens moved to adjourn at 10:45 pm, Councilmember Woods seconded. All ayes.

Respectfully Submitted,

Debra L. Sopronyi, RMC  
Borough Clerk