

**Meeting Minutes  
Hightstown Borough Council  
Regular Meeting  
August 19, 2013  
7:00 pm**

The meeting was called to order by Mayor Kirson at 7:00pm 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 Barry Capp, Borough Attorney.

**Resolution 2013-175 Authorizing a Meeting Which Excludes the Public**

Police Director/Administrator LeTellier requested that police personnel matters be added to the resolution.

Councilmember Bluth moved resolution 2013-175 as amended, Council President Quattrone seconded.

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

Resolution adopted, 6-0.

Resolution 2013-175

*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 19, 2013 at approximately 7:00pm 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 – Computer/Information System Administrator  
Police Personnel Matters

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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 19, 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 7:35 pm and he again read the Open Public Meetings Act statement.

The Flag Salute followed Roll Call. George Lang, CFO joined the meeting at this time and was now present.

Councilmember Thibault requested that the matters of the League Conference and Planning Board be added to the agenda under discussion. Council President Quattrone noted that the new volunteer firemen could not be present, but the resolutions will be approved as on the agenda.

Mayor Kirson noted that Council may re-enter executive session after the public meeting to complete their discussion.

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 Doran moved the May 20, 2013 executive session minutes for approval, Councilmember Bibens seconded.

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

Minutes approved 5-0, with one abstention.

Mayor Kirson commented that the Borough is very fortunate to have dedicated volunteers and noted that their first class service is appreciated by the community.

**Resolution 2013-176 Accepting Membership of Sean W. Hastings in Hightstown Engine Co. No. 1**

Councilmember Bibens moved resolution 2013-176, Councilmember Wood seconded.

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

Resolution adopted, 6-0.

Resolution 2013-176  
*BOROUGH OF HIGHTSTOWN*  
*COUNTY OF MERCER*  
*STATE OF NEW JERSEY*

**ACCEPTING MEMBERSHIP OF SEAN W. HASTINGS IN HIGHTSTOWN ENGINE CO. NO. 1**

**WHEREAS**, Sean W. Hastings of East Windsor, New Jersey has applied for membership in Hightstown Engine Company No. 1; and

**WHEREAS** Mr. Hastings has undergone and passed the required physical examination, and his membership application has been reviewed and approved by Fire Chief Lawrence Van Kirk;

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**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the membership of Sean W. Hastings in Hightstown Engine Company No. 1 is hereby accepted.

**BE IT FURTHER RESOLVED** that a certified copy of this resolution shall be forwarded to Hightstown Engine Co. #1.

**Resolution 2013-177 Accepting Membership of Zachary H. Beyer in Hightstown Engine Co. No. 1**

Councilmember Bibens moved resolution 2013-177, Councilmember Doran seconded.

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

Resolution adopted, 6-0.

Resolution 2013-177

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

**ACCEPTING MEMBERSHIP OF ZACHARY H. BEYER  
IN HIGHTSTOWN ENGINE CO. NO. 1**

**WHEREAS**, Zachary H. Beyer of Hightstown, New Jersey has applied for membership in Hightstown Engine Company No. 1; and

**WHEREAS** Mr. Beyer has undergone and passed the required physical examination, and his membership application has been reviewed and approved by Fire Chief Lawrence Van Kirk;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the membership of Zachary H. Beyer in Hightstown Engine Company No. 1 is hereby accepted.

**BE IT FURTHER RESOLVED** that a certified copy of this resolution shall be forwarded to Hightstown Engine Co. #1.

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

George Zlenick, 7 Ely Court – commented that Hightstown Borough’s problems are not unique and compared them to other towns and their solutions.

Gerry Riccardi, JP&L Representative – distributed information regarding alerts and text messages, and new outage communication tools on the JCP&L website; he noted that major substation work is being performed in Hightstown.

Walter Sikorski, 326 N. Main Street – spoke regarding the insights of hiring a Borough Administrator and the pay scale considerations; noted that an article in the paper gives the appearance that the decision has already been made and the process has been circumvented.

Eugene Sarafin, 628 S. Main Street – said “nothing”.

Bill Gilmore, 219 Greeley Street – commented that he is interested in the articles in the paper and the vision being missed regarding development opportunities; spending \$400 a square foot for a police department is not needed, used shared services.

Tory Watkins, 68 Meadow Drive – requested clarification of the bicycle prohibition sign on South Main Street with a slash, are you supposed to dismount and walk from there; it is only illegal to ride the bicycles on the sidewalk.

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Scott Caster, 12 Clover Lane – noted that Council has chosen not to discuss the parameters for the Administrator position in public; what style of management are you looking for?

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

**Ordinance 2013-17 Final Reading and Public Hearing** 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

Mayor Kirson opened the public hearing on ordinance 2013-17 and the following individuals spoke:

Scott Caster, 12 Clover Lane – stated that Peddie deserves a meeting or a call so the Borough can work with them on this.

Eugene Sarafin, 628 S. Main Street – commented that the purpose of this ordinance is being ignored and it only serves as a punishment under the guise of equality; it is not wise to slap Peddie when they are generous to this community.

Bill Gilmore, 219 Greeley Street – reiterated Mr. Sarafin’s comments and noted that the DCA already performs these inspections at Peddie.

Eugene Sarafin, 628 S. Main Street – noted that when a water tower was needed, at a cost of \$2M in 2002, Peddie allowed and paid for piping through their property.

Scott Caster, 12 Clover Lane – noted that Peddie has corrected a \$145,000 tax error and has put rateables downtown.

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

Councilmember Thibault moved ordinance 2013-17 for adoption; Councilmember Doran seconded.

Council President Quattrone noted that he has tried to reach out and have a meeting with Peddie, but scheduling conflicts have interfered. He asked that the vote on this ordinance be put off until a meeting can be held with Peddie. Councilmember Thibault noted that it has been two weeks since this ordinance was introduced and discussion was held two weeks before that; Peddie should not receive a courtesy that others do not get. Council President Quattrone noted that the postponement it is a courtesy to the Council President. Councilmember Thibault then commented that he recognizes the potential for ethics issues with the Council President.

Mayor Kirson asked Council for their opinions on the matter. Councilmember Woods commented that they should reach out to Peddie. Councilmember Thibault commented that it is a special consideration to Peddie and he objects to a courtesy being extended to Peddie when it is not extended to others on other ordinances. Council President Quattrone commented that it is a special consideration to the Council President and requested that this ordinance be tabled for one meeting.

Councilmember Thibault withdrew his motion to move ordinance 2013-17 for adoption, Councilmember Doran withdrew her second.

Council President Quattrone moved to table ordinance 2013-17, Councilmember Bibens seconded.

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

Ordinance tabled 5-1.

**Ordinance 2013-17**  
**BOROUGH OF HIGHTSTOWN**  
**COUNTY OF MERCER**

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**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~~):

**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 Final Reading and Public Hearing** 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”

Mayor Kirson opened the public hearing on ordinance 2013-17 and the following individuals spoke:

Eugene Sarafin, 628 S. Main Street – spoke regarding the water/sewer budget and charges, suggesting that they raise the usage fee with some water included. Mayor Kirson reviewed the ordinance and advised that this ordinance is not affecting the rates, just the notices that go out for non-payment.

Scott Caster, 12 Clover Lane – noted that there are opportunities for additional revenue in the ordinance that is not being enforced. Mayor Kirson advised that this issue is currently being addressed. Mr. Caster continued that he does not think residents know that they can get a second line to fill pools and water their lawns.

Eugene Sarafin, 628 S. Main Street – commented that in the past collectors were sympathetic; now they can sell liens and put the hammer to residents, why punish people?

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

Councilmember Thibault reviewed BPU Consumer Bill of Rights information and noted that he spoke to New Jersey Shares regarding the payment of utility bills; he is checking to see if municipal water can be added to New Jersey Shares assistance.

Councilmember Woods commented that when the policy was developed we received half of the payments due on overdue bills. Most of those residents can pay, but they do not prioritize. This ordinance only changes the notification procedure.

There was discussion regarding a Bill of Rights for Hightstown water users and state requirements.

Councilmember Woods moved ordinance 2013-18 for adoption, Councilmember Bibens seconded.

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

Ordinance adopted 6-0.

Ordinance 2013-18  
*BOROUGH OF HIGHTSTOWN*  
*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~~):

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## Section 19-2

### CHARGES AND RENTS

#### Subsections:

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

#### 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) days~~ 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<br>(per connection unit)   | \$37.50 per unit |
| b. Quarterly base charge for auxiliary residential<br><br>water-only connection (per connection unit), installed<br><br>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 will be assessed 1,000 gallons \$10.00 per



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 will be assessed \$10.00 per 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 will be assessed \$10.00 per 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 will be assessed \$10.00 per 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

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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.**

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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.

**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 Final Reading and Public Hearing** 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

Mayor Kirson opened the public hearing on ordinance 2013-19 and the following individuals spoke:

Scott Caster, 12 Clover Lane – requested clarification of self-liquidating; George Lang explained.

Eugene Sarafin, 628 S. Main Street – commented that this is a good idea.

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

Councilmember Woods moved ordinance 2013-19 for adoption, Councilmember Doran seconded.

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

Ordinance adopted 6-0.

**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

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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 Final Reading and Public Hearing** 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

Mayor Kirson opened the public hearing regarding ordinance 2013-20 and the following individuals spoke:

Eugene Sarafin, 628 S. Main Street – noted that he is present.

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

Councilmember Bibens moved ordinance 2013-20 for adoption, Council President Quattrone seconded.

Councilmember Bluth noted that she will vote no on this ordinance; this employee was recently given a \$15,000 raise and the ordinance increases the range for the position by \$6,000. This employee could potentially be given an additional \$6,000 raise without Council approval.

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

Ordinance adopted 5-1.

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**

**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.

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**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.

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

Mayor Kirson reviewed the ordinance and noted that it establishes the criteria for the installation of wind turbines in the Borough. There was discussion regarding a restriction in the Historic District regarding visibility, similar to the one in the satellite dish ordinance. It was decided that any further comments from Council be forwarded to Councilmember Bluth by September 8<sup>th</sup> so she can address them with the Planning Board.

Councilmember Bibens withdrew her motion for introduction, Councilmember Doran withdrew her second.

Councilmember Bibens moved that ordinance 2013-21 be tabled, Councilmember Doran seconded.

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

Ordinance tabled, 6-0.

**Ordinance 2013-22 First Reading and Introduction Bond Ordinance Providing for Various Capital Improvements of the Borough of Hightstown, in the County of Mercer, New Jersey, Appropriating the Aggregate Amount of \$165,000 Therefor and Authorizing the Issuance of \$157,000 Bonds or Notes of the Borough to Finance Part of the Cost Thereof**

Councilmember Bibens moved ordinance 2013-22 for introduction, Councilmember Bluth seconded.

Mayor Kirson reviewed the ordinance and Councilmember Thibault requested a rationale, in writing, for the purchases requested. Mr. LeTellier noted that these purchases were discussed and approved during budget discussions. Councilmember Thibault reiterated his request and stated he wanted the written rationale before the next meeting where this ordinance will be scheduled for adoption.

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

Ordinance introduced 6-0, Public Hearing to be held on September 3, 2013.

Ordinance 2013-22

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

**BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$165,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$157,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF**

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

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized to be undertaken by the Borough of Hightstown, in the County of Mercer, New Jersey (the "Borough") as general improvements. For the several improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$165,000, including the aggregate sum of \$8,000 as the several down payments for the improvements or purposes required by the Local Bond Law. The down payments have been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments, negotiable bonds are hereby authorized to be issued in the principal amount of \$157,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

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

		Estimated Maximum Amount of Bonds or	
	Appropriation		
		<u>Notes</u>	
	and Estimated		Period of <u>Usefulness</u>
<u>Purpose</u>	<u>Cost</u>		
a) <b><u>Police Department:</u></b>			
The acquisition of various equipment, consisting of touch screen monitors, a desktop processor, stands, 911 dispatch chairs and equipment, law soft interface with Info-Cop and trunk organizers for cars, including all related costs and expenditures incidental thereto.	\$16,077	\$15,311	5 years
The acquisition of various equipment, consisting of stalker radar units for cars, including installation, 911 interface setup and training, mandated narrow bank programming police radios, a radio repeater and a security camera, including all related costs and expenditures incidental thereto and further including all work and materials necessary therefor and incidental thereto.	\$33,000	\$31,428	10 years
The acquisition of ballistics equipment, including all related costs and expenditures incidental thereto.	<u>\$4,865</u>	<u>\$4,633</u>	15 years
TOTAL:	<u>\$53,942</u>	<u>\$51,372</u>	
b) <b><u>Fire Department:</u></b>			
The acquisition of turn out gear, consisting of helmets, gloves and hoods, including all related costs and expenditures incidental thereto.	<u>\$63,462</u>	<u>\$60,300</u>	15 years

	Appropriation	Estimated Maximum Amount of Bonds or	
		<u>Notes</u>	Period of <u>Usefulness</u>
<u>Purpose</u>	<u>Cost</u>		
c) <b><u>First Aid:</u></b>			
The acquisition of laptop computers capable of running Emergency Management Services charts, including all related costs and expenditures incidental thereto.	\$6,346	\$6,043	5 years
The acquisition of portable Motorola radios, including all related costs and expenditures incidental thereto.	\$16,923	\$16,117	10 years
The acquisition of a power stretcher and defibrillators, including all related costs and expenditures incidental thereto.	<u>\$24,327</u>	<u>\$23,168</u>	15 years
TOTAL:	<u>\$47,596</u>	<u>\$45,328</u>	
GRAND TOTAL:	<u>\$165,000</u>	<u>\$157,000</u>	

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

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

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

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

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

- (b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 12.12 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 \$157,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.
- (d) An aggregate amount not exceeding \$9,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated costs indicated herein for the purposes or improvements.

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

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

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

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

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

#### **Resolution 2013-178 Payment of Bills**

Councilmember Bibens moved Resolution 2013-178, Councilmember Woods seconded.

There was discussion.

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

Resolution adopted 6-0.

Resolution 2013-178  
BOROUGH OF HIGHTSTOWN  
COUNTY OF MERCER  
STATE OF NEW JERSEY

#### **AUTHORIZING PAYMENT OF BILLS**

August 19, 2013

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 \$240,957.56 from the following accounts:

Current		\$41,573.11
W/S Operating		26,496.35
General Capital		3,809.45
Water/Sewer Capital		164,976.15
Grant		3,102.50
Trust		1,000.00
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>\$240,957.56</u>

**Resolution 2013-179 Authorizing Signatures for Municipal Court Accounts**

Councilmember Bluth moved Resolution 2013-179, Council President Quattrone seconded.

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

Resolution adopted 6-0.

Resolution 2013-179  
*BOROUGH OF HIGHTSTOWN*  
*COUNTY OF MERCER*  
*STATE OF NEW JERSEY*

**AUTHORIZING SIGNATURES  
FOR MUNICIPAL COURT ACCOUNTS**

**WHEREAS**, the banks designated as depositories of monies of the Borough of Hightstown were established in accordance with

August 19, 2013

the Cash Management Plan adopted by the Borough on January 7, 2013; and

**WHEREAS**, it is required that the Borough designate the signers on Municipal Court Accounts; and

**WHEREAS**, it is necessary for the Municipal Court Administrator, Kristy Gilsenan and Deputy Municipal Court Administrator, Linda Mann to sign for the accounts associated with the Hightstown Borough Municipal Court.

**BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that Kristy Gilsenan and Linda Mann are authorized to sign checks for the payment of money from the accounts for the Municipal Court as stated herein.

**BE IT FURTHER RESOLVED**, that the Municipal Court Administrator and Deputy Municipal Court Administrator shall not be held liable for any loss of public money deposited by them with the aforesaid banks when such loss is occasioned by the failure of such banks faithfully to account for and pay over such money on legal demand.

**Resolution 2013-180 Authorizing Payment #5 – Clyde B. Lattimer & Son Construction Company, Inc. (Primary Clarifier Upgrade)**

Councilmember Bibens moved Resolution 2013-180, Councilmember Woods seconded.

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

Resolution adopted 6-0.

Resolution 2013-180  
*BOROUGH OF HIGHTSTOWN  
COUNTY OF MERCER  
STATE OF NEW JERSEY*

**AUTHORIZING PAYMENT # 5 – 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 #5 related to installation for the project in the total amount of \$34,359.35; and

**WHEREAS**, the Borough Engineer has recommended approval of payment #5 to Clyde B. Lattimer & Son Construction Co., Inc. in the amount of \$34,359.35 following receipt of the certified payrolls; 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. 5 to Clyde B. Lattimer & Son Construction Co., Inc. of Berlin, New Jersey in the amount of \$34,359.35 is hereby approved as detailed herein, and the Treasurer is authorized to issue same.

**Resolution 2013-181 Requesting Approval for Insertion of a Special Item of Revenue in the 2013 Budget**

Councilmember Doran moved Resolution 2013-181, Council President Quattrone seconded.

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

Resolution adopted 6-1.

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Resolution 2013-181  
*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 Division of Highway Traffic Safety	\$4,400.00	Drive Sober or Get Pulled Over 2013 Crackdown	Drive Sober or Get Pulled Over 2013 Crackdown

**Resolution 2013-182 Authorizing Release of Funds Remaining in Escrow – Jeff Bond (Block 58, Lot 7)**

Council President Quattrone moved Resolution 2013-182, Councilmember Bibens seconded.

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

Resolution adopted 6-0.

Resolution 2013-182  
*BOROUGH OF HIGHTSTOWN*  
*COUNTY OF MERCER*  
*STATE OF NEW JERSEY*

**AUTHORIZING RELEASE OF FUNDS REMAINING IN ESCROW – JEFF BOND (BLOCK 58,  
LOT 7)**

**WHEREAS** Jeff Bond has requested that the funds remaining in their escrow account with the Borough for Block 58, Lot 7 be released; and

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

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



**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the Treasurer is authorized and directed to release to Jeff Bond all amounts remaining in the escrow account for Block 58, Lot 7.

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

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

**Resolution 2013-183 Authorizing the Borough to Execute and Agreement with the First Baptist Church to Transfer Ownership of a Town Clock to the Church**

Council President Quattrone moved Resolution 2013-183, Councilmember Doran seconded.

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

Resolution adopted 6-0.

Resolution 2013-183  
*BOROUGH OF HIGHTSTOWN*  
*COUNTY OF MERCER*  
*STATE OF NEW JERSEY*

**AUTHORIZING THE BOROUGH TO EXECUTE AN AGREEMENT WITH THE FIRST BAPTIST CHURCH OF HIGHTSTOWN TO TRANSFER OWNERSHIP OF A TOWN CLOCK TO THE CHURCH.**

**WHEREAS**, the Borough has owned and maintained a town clock (the “clock”), which is located in the steeple tower of the First Baptist Church, since 1911; and

**WHEREAS**, the Borough no longer wishes to be responsible for maintenance or other issues relating to the clock; and

**WHEREAS**, the First Baptist Church is willing to assume ownership and all responsibility for maintenance of the clock; and

**WHEREAS**, the New Jersey “Local Public Contracts Law,” N.J.S.A. 40A:11-1 et seq., specifically at N.J.S.A. 40A:11-36(6), authorizes a public entity to transfer or dispose of personal property not otherwise needed for public use through a private sale without advertising for bids if the estimated fair value of the property does not exceed the public entity’s bid threshold in any one sale; and

**WHEREAS**, the Borough’s Qualified Purchasing Agent has certified that the estimated fair value of the clock does not exceed the Borough’s bid threshold; and

**WHEREAS**, the Mayor and Borough Council believe that the clock is not otherwise needed for public use by the Borough, and that a sale of same to the First Baptist Church, thereby alleviating the Borough of any future maintenance and other responsibilities relating to the clock, will be advantageous to the Borough; and

**WHEREAS**, the Borough and the First Baptist Church (also referenced collectively as the “parties”) have agreed that the transfer of the clock will be made for the nominal sum of One Dollar (\$1.00); and

**WHEREAS**, the parties have set forth their respective rights and obligations in the attached Agreement.  
August 19, 2013

**NOW, THEREFORE, BE IT 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 Borough is hereby authorized to transfer ownership and maintenance responsibilities associated with the clock to the First Baptist Church in accordance with the terms and conditions set forth in the attached Agreement.
2. That the Mayor is hereby authorized to execute and the Borough Clerk to attest the attached Agreement on behalf of the Borough.
3. That all relevant Borough officials are hereby authorized to undertake all actions that are necessary in order to further the intentions of the within Resolution.
4. That a certified copy of this Resolution shall be provided to each of the following:
  - a. First Baptist Church;
  - b. James LeTellier, Acting Borough Administrator;
  - c. George Lang, Borough Chief Financial Officer;
  - d. Frederick C. Raffetto, Esq., Borough Attorney

#### **NJ DOT Municipal Aid Grant**

There was discussion regarding a letter received from the Borough Engineer regarding the availability of Municipal Aid Grants, for which applications are due by September 20, 2013. The Borough Engineer has reviewed the grant programs and recommended that the Borough make application under the Municipal Aid Program this year for Hutchinson Street, Grant Avenue and Park Way.

Councilmember Bibens moved to authorize the Borough Engineer to apply for the Municipal Aid Grant for Hutchinson Street, Grant Avenue and Park Way, Council President Quattrone seconded.

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

Authorization for the Borough Engineer to apply for the Municipal Aid Grant is approved 6-0.

#### **Borough Hall/Temporary Facilities Update**

Mr. LeTellier advised that the Administrative offices now have better working conditions and the public appears to like it; an Environmental Study was done on Borough Hall and should be received this week; he is in the process of working with FEMA to re-activate the claim; the design ideas for the Police Department and Borough Hall are in the works.

#### **Professional Service Fees**

George Lang, CFO, distributed a summary sheet showing the Professional Service fees paid to-date, and expressed his concern with the balances available in the budget for the remainder of the year.

There was discussion and Mr. LeTellier recommended that questions be posed to the staff first; there is a need to tighten the belt on professional services. There was further discussion regarding developing a process for contacting professionals.

## **League of Municipalities Conference**

Councilmember Thibault inquired as to what the benefit is of sending employees to the League Conference. Clerk Sopronyi explained the CEU process and cost and education benefit of attending the League.

## **Planning Board**

Councilmember Thibault noted that he attended the Route 33 Corridor public hearing at the Planning Board and that the Attorney had required everyone who spoke to be sworn in, which he believes caused individuals to refrain from speaking. He inquired as to how the Council should address the issue. The Borough Attorney advised that it was the Planning Board Attorney's responsibility to make determinations regarding the processes taken at the Planning Board meetings and that it is not in Council's jurisdiction.

Councilmember Thibault then stated that the Planning Board did not have a quorum to hear applicants who had sat through the public hearing, with their professionals present, only to be told their applications would not be heard. He noted that the Planning Board then decided to set up a special meeting to hear the application from Peddie School, but not the other application that was present. Councilmember Thibault commented that the Planning Board members are covered by the Ethics Law, and he believes they may have violated it by setting up the special meeting.

There was discussion and it was commented that the Planning Board should have advised the applicants that there was no quorum to hear their applications at the beginning of the meeting, prior to having them sit through the public hearing on the Route 33 Corridor; and it was noted that the matter of having a quorum of the Board is one that should be addressed by the Planning Board and its Secretary. Mr. LeTellier will contact the Planning Board Attorney regarding the swearing-in policy and the ethics issue of setting up a special meeting for one application, but not the other.

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

Scott Caster, 12 Clover Lane – commented that it is a shame that most residents have left the meeting, and he appreciates the few that stick it out to the end; that the Administrator should be in charge of finding grants; he is a Peddie Alumni and Borough resident; the Master Plan amendment has been approved by the Planning Board; suggested Council take a good look at the code prior to hiring the Administrator.

Tory Watkins, 68 Meadow Drive – inquired as to whether he could get an answer to his bicycle prohibition sign question.

Mr. LeTellier advised that universal signs are being used so all residents understand their meaning; an arrow will be added to designate that it applies to the sidewalks.

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

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

**Councilmember Thibault** – cited Peddie School financial statistics and noted that he is disgusted that taxpayers do not get the special attention Peddie gets; we are not asking for anything from Peddie that other landlords in town don't have to do.

**Councilmember Bluth** – noted that the Planning Board has adopted the Master Plan Amendment and there is a workshop meeting scheduled for September 12<sup>th</sup>; the Jamaican Grill held their grand opening and only she and the Mayor attended which was disappointing, there were a lot of Robbinsville Officials present.

**Councilmember Bibens** – commented that she attended the Fire Department meeting last week, but she could not attend the Parks and Recreation meeting. She is interested in the new temporary facilities.

**Councilmember Doran** – stated that the Housing Authority and Environmental Commission have cancelled their August meetings; noted that the special meeting for August 29<sup>th</sup> will begin at 6pm to interview the final candidates for Administrator,

RICE notices have been issued and packets will be prepared by the Borough Clerk; objected to the public comments regarding Council's decision for the Administrator, and requested that Keith LePrevost attend the interviews.

**Councilmember Woods** – noted that she was celebrating her daughter's 21<sup>st</sup> birthday on the day of the Jamaican Grill's grand opening and she take offense to the comment made by Councilmember Bluth.

**Council President Quattrone** – commented that it was a great meeting and that Council needs to work together.

**Administrator/Police Director LeTellier** – stated, in response to public comment, that we have received several grants and applications are submitted regularly.

After discussion, it was decided that the matter that was not completed in executive session will be added to the next meeting and Council will not adjourn back into executive session at this time.

Councilmember Bibens moved to adjourn at 10:10 pm, Council President Quattrone seconded. All ayes.

Respectfully Submitted,

Debra L. Sopronyi, RMC  
Borough Clerk