

**Meeting Minutes  
Hightstown Borough Council  
Regular Meeting  
April 1, 2013  
6:30 pm**

The meeting was called to order by Mayor Kirson at 6:03 pm and he read the Open Public Meetings Act statement which stated, "Adequate notice of this meeting has been given in accordance with the Open Public Meetings Act, pursuant to Public Law 1975, Chapter 231. Said notice was sent to the *Trenton Times* and the *Windsor-Hights Herald*, and is posted in the Borough Clerk's office."

The flag salute followed Roll Call.

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

Also in attendance: Debra Sopronyi, Borough Clerk; Michael Theokas, Borough Administrator; James LeTellier, Police Director; Eric Bernstein, Labor Counsel; Frederick Raffetto, Borough Attorney; and Eric Bernstein, Labor Counsel.

**Resolution 2013-83 Authorizing a Meeting Which Excludes the Public**

Council President Quattrone moved resolution 2013-83, Councilmember Bibens seconded.

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

Resolution adopted, 5-0

Resolution 2013-83  
*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 April 1, 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 – Miller

Personnel – Chief Finance Officer

Contract Negotiations – Shared Services & Insurance

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: July 1, 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 7:46 pm and he again read the Open Public Meetings Act statement.

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

Councilmember Doran requested that resolution #2013-84 be held until Councilmember Thibault arrives.

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

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

Agenda approved as amended.

Council President Quattrone moved the February 4, 2013 executive session minutes for approval, Councilmember Bibens seconded.

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

Minutes approved.

**Resolution 2013-85 Authorizing Change Order #1 – SWERP, Inc. (Concrete Repairs to Secondary Digester)**

Council President Quattrone moved resolution 2013-85, Councilmember Bibens seconded.

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

Resolution adopted 5-0.

Resolution 2013-85  
*BOROUGH OF HIGHTSTOWN*  
*COUNTY OF MERCER*  
*STATE OF NEW JERSEY*  
**AUTHORIZING CHANGE ORDER #1 – SWERP, INC.**  
**(CONCRETE REPAIRS TO SECONDARY DIGESTER)**

**WHEREAS**, on February 6, 2012, the Borough Council awarded a contract for the Concrete Repairs to the Secondary Digester to SWERP, Inc. of Lafayette Hill, Pennsylvania for a total contract price of \$79,870.00; and,

**WHEREAS**, the completion date of this project was to be January 12, 2013 and was dependent on the progress of another project which has had delays at the AWWTP; and,

**WHEREAS**, the Contractor has requested change order #1 to revise the completion date of the project; and

**WHEREAS**, the Borough Engineer has recommended approval of this change order to revise the project completion date from January 12, 2013 to May 6, 2013; and

**WHEREAS**, this project is funded by the New Jersey Environmental Infrastructure Trust, the approval of this change order is conditional upon approval by the New Jersey Department of Environmental Protection; and,

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that change order #1 to the contract with SWERP, Inc. of Lafayette Hill, Pennsylvania to read a project completion date of May 6, 2013 is hereby approved, upon approval by the New Jersey Department of Environmental Protection.

**Resolution 2013-86 Authorizing Change Order #1 – Clyde N. Lattimer & Son Construction Co., Inc. (Primary Clarifier Upgrade)**

Councilmember Woods moved resolution 2013-86, Council President Quattrone seconded.

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

Resolution adopted 5-0.

Resolution 2013-86  
*BOROUGH OF HIGHTSTOWN*  
*COUNTY OF MERCER*  
*STATE OF NEW JERSEY*

**AUTHORIZING CHANGE ORDER #1 – CLYDE N. LATTIMER & SON CONSTRUCTION  
CO. INC. (PRIMARY CLARIFIER UPGRADE)**

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

**WHEREAS**, the completion of this project has been delayed due to the time required for equipment deliveries and poor weather conditions caused by Hurricane Sandy, and requests by the AWWTP Superintendent to accommodate the normal plant operations schedule; and,

**WHEREAS**, the Contractor has requested change order #1 to revise the completion date of the project; and

**WHEREAS**, the Borough Engineer has recommended approval of this change order to revise the project completion date to April 26, 2013; and

**WHEREAS**, this project is funded by the New Jersey Environmental Infrastructure Trust, the approval of this change order is conditional upon approval by the New Jersey Department of Environmental Protection; and,

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that change order #1 to the contract with Clyde N. Lattimer & Son Construction Co., Inc. of Berlin, New Jersey to read a project completion date of April 26, 2013 is hereby approved, upon approval by the New Jersey Department of Environmental Protection.

**Borough Hall/Temporary Facilities**

Councilmember Thibault arrived at this time.

Project Manager Dawson Bloom reviewed his progress report.

### Borough Hall Reconstruction

At the March 18, 2013 Council Meeting, Council had agreed to allow Mr. JP Gibbons to retain the services of an insurance consultant to interpret the Borough's Insurance Policy with respect to limits of coverage and limits of liability. Mr. Gibbons retained Mr. Steven Bommer, President of the FIRM Insurance Company.

On March 25, 2013, Mr. Bommer provided an email with his interpretation of the Borough's coverage limits.

Mr. Bommer provided the following assessment based upon Borough Hall being in a Special Flood Hazard Area:

1. The Borough is entitled to \$2,500,000 per location damaged for repair/replacement of the structure.
2. There are deductibles of \$500,000 each for structure and contents per location damaged.
3. The other costs (demolition, increased cost of construction, debris removal, extra expense etc.) should be covered as per the sub limits defined in the policy, in addition to the \$2,500,000 sublimit for repair/replacement.

Through the Borough Administrator, we have contacted the FEMA representative to discuss what costs may be recoverable through FEMA and exactly what that process entails. We understand that much attention is being paid to the most recent storm, however, we will remain diligent in communicating with them.

### Interim Police Facility

Bids for the Interim Police Facility were received on Friday, March 22. One bid was received by Mobilease Modular Space for a total bid price of \$265,000 and this price is consistent with the bid price from the first advertisement. Council can not make any award for the Interim Police Modulares until the Borough Hall Bond Ordinance is adopted and clears the waiting period. The earliest an award could be made if the Bond Ordinance were to be adopted on April 1, would be at the Council meeting on April 29.

Bids for the Site Improvements for Interim Facilities were received on Friday, March 22. Two bids were received with the low bid at \$96,004 by Tony and Son of Colonia, NJ. If Council enters into the lease for 100 and 102 Mercer Street for the Administrative offices, we can scale back on the site improvements and expect a reduction in the site improvement costs. As with the Interim Police Modulares, Council can not make any award for the Site Improvements until the Borough Hall Bond Ordinance is adopted and clears the waiting period. The earliest an award could be made if the Bond Ordinance were to be adopted on April 1, would be at the Council meeting on April 29.

As discussed at the April 28 Special Meeting, I will coordinate with the Police Director regarding the relocation of the police antennae equipment and generator.

### Interim Administrative Offices

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

Mr. Raffetto's office is continuing to work through the details of the lease for 100 and 102 Mercer Street. An Ordinance for the lease will be on the April 1 Council agenda for introduction. Assuming that the Ordinance is introduced, I would expect there to be sufficient time to have all details of the lease worked out prior to the Ordinance adoption on April 15. Because the vendor of the Administrative and Storage Facilities has agreed to hold its price for an additional 60 days, we have an additional option should the lease fall through.

### Schedule of Immediate Tasks

#### Borough Hall Bond Ordinance

Introduction	March 18, 2013
2 <sup>nd</sup> Reading	April 1, 2013
Funds Available	April 26, 2013

April 1, 2013

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

Introduction	Completed
2 <sup>nd</sup> Reading	As late as April 1, 2013
Funds available	April 25, 2013

Sitework and Modulares

Receive bids	March 22, 2013
Recommend award	March 29, 2013
2 <sup>nd</sup> Reading Interim Lease	April 1, 2013
2 <sup>nd</sup> Reading Borough Hall Ordinance	April 1, 2013
Ordinances Clear Waiting	April 26, 2013
Award Contracts for Site and Modulares	April 29, 2013

*Sitework*

Submit 14-day notice to DEP	before April 25, 2013
NTP Sitework	May 9, 2013
45 days to complete Sitework	June 22, 2013

*Police Modular*

NTP Modular	May 9, 2013
Fabrication & Delivery/Setup	September 29, 2013
IT/Communications	October 14, 2013
Move-In	October 21, 2013

Storefronts

Negotiate Lease	March 29, 2013
Lease Ordinance	April 1, 2013
1 <sup>st</sup> Reading	April 1, 2013
2 <sup>nd</sup> Reading	April 15, 2013
Execute Lease	April 22, 2013
Complete Renovations	May 17, 2013
Move – in	May 24, 2013*

\* The anticipated move in date has been revised from June 24 to May 24. This is because the costs for the lease are not being paid for by the Borough Hall Bond Ordinance.

**Hightstown High School After-Prom**

Councilmember Woods reviewed the After-Prom program and the request for a donation; she noted that East Windsor donates every year. She informed Council that when she brought the matter to the Borough Clerk, Ms. Sopronyi recommended that it be referred to the Borough Attorney.

Mr. Raffetto advised that the Borough cannot make donations to a non-profit, but can make payment for a public purpose for a service. Since this is the school it would appear to fit into this category.

There was discussion regarding police coverage, the definition of public purpose, and an amount. Councilmember Woods advised that East Windsor gives \$1,000.

Council President Quattrone moved that Hightstown Borough pay \$500 to the High School for the After-Prom, Councilmember Bibens seconded.

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

Payment approved 5-0, with one abstention.

April 1, 2013

**Resolution 2013-84 Proclaiming Hightstown Volunteer Appreciation Week and Recognizing, Honoring and Thanking Hightstown's Volunteers**

Councilmember Thibault moved resolution 2013-84, Councilmember Bibens seconded.

Councilmember Thibault noted that the process he attempted last year did not do justice to our 500+ volunteers, so this year he will personally attend each meeting and thank our volunteers; Hightstown would not be what it is without our volunteers. Mayor Kirson agreed and thanked the many volunteers.

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

Resolution adopted 6-0.

Resolution 2013-84  
*BOROUGH OF HIGHTSTOWN  
COUNTY OF MERCER  
STATE OF NEW JERSEY*

**PROCLAIMING HIGHTSTOWN VOLUNTEER APPRECIATION WEEK AND  
RECOGNIZING, HONORING AND THANKING HIGHTSTOWN'S VOLUNTEERS**

**WHEREAS**, the week of April 21 to 27, 2013 has been proclaimed National Volunteer Week to recognize and celebrate the efforts of volunteers at the local, state, and national levels; and

**WHEREAS**, the Borough of Hightstown and its residents have benefited greatly from hundreds of volunteers who each year give tirelessly and selflessly to the service of others; and

**WHEREAS**, volunteerism strengthens communities, improves society, and enhances the overall quality of life for all citizens; and

**WHEREAS**, volunteering changes the lives of volunteers in a positive way, increasing self-confidence, self-esteem and physical wellbeing; offering the chance to meet new friends and associates; and providing opportunities to learn new skills and abilities; and

**WHEREAS**, the Hightstown Borough Council wishes to acknowledge and thank its volunteers for their dedication and untiring efforts.

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Hightstown proclaims the week of April 21 to 27, 2013 as Hightstown Volunteer Week and expresses its sincere appreciation and gratitude for the dedication and untiring efforts of all those who volunteer to help make our community a better place to live and work.

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

Eugene Sarafin, 628 S. Main Street – commented that he is tired of socially inept Council members and it is pathetic that Council is trying to push things through without listening to the public; commented on the Lucas property and FEMA flood maps.  
Scott Caster, 12 Clover Lane – commented that the after-prom donation is well spent, however East Windsor is so much larger than Hightstown; supports consolidation with East Windsor; recommended adding professional grant writing service funds to the budget.

Ron Hansen, 211 Grant Avenue – inquired why an interpretation of the insurance policy was done; recommended the bids for modular units be rejected and the contract negotiated.

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

April 1, 2013

**Ordinance 2013-08 First Reading and Introduction – An Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a Cap Bank (N.J.S.A. 40A:4-45.14)**

Councilmember Bluth moved ordinance 2013-08 for introduction, Councilmember Doran seconded.

George Lange, CFO, gave an explanation of 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 April 15, 2013.

Ordinance 2013-08  
*BOROUGH OF HIGHTSTOWN*  
*COUNTY OF MERCER*  
*STATE OF NEW JERSEY*

**AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)**

**WHEREAS**, the Local Government Cap Law, *N.J.S. 40A: 4-45.1 et seq.*, provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

**WHEREAS**, *N.J.S.A. 40A: 4-45.15a* provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

**WHEREAS**, the Mayor and Council of the Borough of Hightstown in the County of Mercer finds it advisable and necessary to increase its CY 2013 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

**WHEREAS**, the Mayor and Council hereby determine that a 1.5% increase in the budget for said year, amounting to \$75,803.97 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

**WHEREAS**, the Mayor and Council hereby determine that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

**NOW THEREFORE BE IT ORDAINED**, by the Mayor and Council of the Borough of Hightstown, in the County of Mercer, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2013 budget year, the final appropriations of the Borough of Hightstown shall, in accordance with this ordinance and *N.J.S.A. 40A: 4-45.14*, be increased by 3.5%, amounting to \$176,875.93, and that the CY 2013 municipal budget for the Borough of Hightstown be approved and adopted in accordance with this ordinance; and,

**BE IT FURTHER ORDAINED**, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance upon adoption, be filed with said Director within 5 days after such adoption.

**Ordinance 2013-09 First Reading and Introduction – Bond Ordinance Providing a Supplemental Appropriation of \$105,000 for the Acquisition, Construction and Installation of Various Facilities, Structures and Equipment for the Water Sewer Utility in and by the Borough of Hightstown, in the County of Mercer, New Jersey and Authorizing the Issuance of \$105,000 Bonds or Notes of the Borough for Financing Part of the Appropriation**

Council President Quattrone moved ordinance 2013-09 for introduction, Councilmember Bibens seconded.

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

Ordinance introduced 6-0; Public Hearing to be held on April 15, 2013.

Ordinance 2013-09  
*BOROUGH OF HIGHTSTOWN*  
*COUNTY OF MERCER*  
*STATE OF NEW JERSEY*

**BOND ORDINANCE PROVIDING A SUPPLEMENTAL APPROPRIATION OF \$105,000 FOR THE ACQUISITION, CONSTRUCTION AND INSTALLATION OF VARIOUS FACILITIES, STRUCTURES AND EQUIPMENT FOR THE WATER SEWER UTILITY IN AND BY THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$105,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION**

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 has heretofore been authorized to be undertaken by the Borough of Hightstown, in the County of Mercer, New Jersey (the "Borough") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the supplemental amount of \$105,000, such sum being in addition to the \$2,083,000 appropriated therefor by bond ordinance #2011-03 of the Borough, finally adopted June 6, 2011 ("Bond Ordinance #2011-03"). 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 ordinance.

Section 2. In order to finance the additional cost of the improvement or purpose, negotiable bonds are hereby authorized to be issued in the principal amount of \$105,000. 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 heretofore authorized and the purpose for the financing of which the bonds are to be issued is the acquisition, construction and installation of various facilities, structures and equipment for the water sewer utility, consisting of post chlorination, water treatment filter, water filtration media, variable frequency drivers, sludge rotary fan press, trickling filter, secondary digester, bar screen and primary clarifier and related improvements, including all related costs and expenditures incidental thereto and further including all work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is \$2,188,000, including the \$2,083,000 bonds or notes authorized by Bond Ordinance #2011-03 and the \$105,000 bonds or notes authorized herein.

(c) The estimated cost of the improvement or purpose is \$2,188,000, including the \$2,083,000 appropriated by Bond Ordinance #2011-03 and the \$105,000 appropriated herein.



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 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 20 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 \$105,000, 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 \$297,375 for items of expense listed and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement. Of this amount, \$274,375 was estimated for these items of expense in Bond Ordinance #2011-03 and an additional \$23,000 is estimated therefor herein.

(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 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. 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 8. 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 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.

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 2013-10 First Reading and Introduction – An Ordinance Authorizing the Borough of Hightstown to Lease Certain Premises Located at 100 and 102 Mercer Street, Constituting Part of the Real Property Known and Designated as Block 33, Lot 20 on the Hightstown Borough Tax Map, to Provide for Temporary Office Space for Certain Borough Operations, and Authorizing the Appropriate Borough Officials to Execute All Necessary Documents Associated Therewith**

Council President Quattrone recused himself from discussion and vote on this ordinance.

Councilmember Woods moved ordinance 2013-10 for introduction, Councilmember Doran seconded.

There was discussion regarding the lease payments being made from the budget and the noise created by the Zumba classes on the upper level of the building.

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

Ordinance introduced 5-1; Public Hearing to be held on April 15, 2013.

Ordinance 2013-10  
*BOROUGH OF HIGHTSTOWN*  
*COUNTY OF MERCER*  
*STATE OF NEW JERSEY*

**AN ORDINANCE AUTHORIZING THE BOROUGH OF HIGHTSTOWN TO LEASE CERTAIN PREMISES LOCATED AT 100 AND 102 MERCER STREET, CONSTITUTING PART OF THE REAL PROPERTY KNOWN AND DESIGNATED AS BLOCK 33, LOT 20 ON THE HIGHTSTOWN BOROUGH TAX MAP, TO PROVIDE FOR TEMPORARY OFFICE SPACE FOR CERTAIN BOROUGH OPERATIONS, AND AUTHORIZING THE APPROPRIATE BOROUGH OFFICIALS TO EXECUTE ALL NECESSARY DOCUMENTS ASSOCIATED THEREWITH.**

**WHEREAS**, Mel A. Adlerman and Gloria K. Adlerman (the “Landlords”) are the owners of certain premises located at 100 and 102 Mercer Street (collectively, the “premises”) in the Borough of Hightstown (also referenced as the “Borough”), which premises constitute part of the real property known and designated as Block 33, Lot 20 on the Hightstown Borough Tax Map; and

**WHEREAS**, the unit located at 100 Mercer Street consists of approximately 740 square feet; and

**WHEREAS**, the unit located at 102 Mercer Street consists of approximately 2,180 square feet; and

**WHEREAS**, the premises both represent existing storefronts in the Borough that are currently vacant; and

**WHEREAS**, the Borough wishes to acquire an interest in the premises by way of a lease agreement so that the Borough may utilize the premises in order to provide for temporary office space(s) for certain municipal operations of the Borough, including but not limited to the Borough’s administrative offices (the “project”); and

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

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

**WHEREAS**, pursuant to said negotiations, the rental amount for the unit located at 100 Mercer Street shall be \$1,110.00 per month, and the rental amount for the unit located at 102 Mercer Street shall be \$2,200.00 per month, for a collective total rental amount of \$3,310.00 per month for the premises; and

**WHEREAS**, the proposed lease agreement shall commence on June 1, 2013, and shall endure for a period of two (2) years, while the Borough is undertaking the permanent Borough Hall reconstruction project at the old Borough Hall site; and

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

**WHEREAS**, the Mayor and Borough Council wish to authorize the appropriate Borough Officials to execute a lease agreement on behalf of the Borough for the public purposes set forth above, so long as said agreement is in a form satisfactory to the Borough Attorney and the Borough's Project Manager for the Borough Hall project.

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

1. That the Mayor is hereby authorized to execute, and the Borough Clerk to attest, a lease agreement between the Borough of Hightstown and the Landlords regarding the premises, so that the Borough may rent the premises for the public purposes referenced above. Said lease agreement shall be consistent with the representations referenced above and shall be in a form satisfactory to the Borough Attorney and the Borough's Project Manager for the Borough Hall project.
2. That all Borough officials and professionals are hereby authorized and directed to take all actions that are necessary in order to effectuate the intentions of this Ordinance.
3. That the provisions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found to be invalid for any reason by any court of competent jurisdiction, such judgment shall be limited in its effect only to that portion of the Ordinance actually adjudged to be invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.
4. That all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.
5. That this Ordinance shall take effect upon final passage and publication in accordance with the law.

Council President Quattrone returned to the dais.

**Ordinance 2013-05 Final Reading and Public Hearing – An Ordinance Authorizing the Borough of Hightstown to Lease Certain Real Properties Located Along Bank and Mechanic Streets, More Commonly Known and Designated as Block 30, Lots 4, 5, 6 and 7 on the Borough's Tax Map, from Greystone Capital Partners, for the Placement of Modular Facilities to Provide for Temporary Office Space for Certain Borough Operations, and Authorizing the Appropriate Borough Officials to Execute All Necessary Documents Associated Therewith**

Dawson Bloom, Project Manager, recommended that Council table this ordinance until funds are made available.

Councilmember Bibens moved to table ordinance 2013-05, Council President Quattrone seconded.

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

Ordinance tabled.

Ordinance 2013-05  
*BOROUGH OF HIGHTSTOWN*  
*COUNTY OF MERCER*  
*STATE OF NEW JERSEY*

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

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

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

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

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

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

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

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

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

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

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

**WHEREAS**, the Mayor and Borough Council wish to authorize the appropriate Borough Officials to execute the attached Lease

April 1, 2013

Agreement on behalf of the Borough for the public purposes set forth above; and

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

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

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

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

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

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

Mayor Kirson opened the public hearing on ordinance 2013-06 and the following individuals spoke:

Walter Sikorski, 326 N. Main Street – Inquired as to what the Borough's indebtedness is and Mr. Lang responded \$8M net; inquired as to the Borough's bond rating and Mr. Lang responded AA (he thinks); inquired as to the actual cost of the bond and Mr. Lang responded that the debt is \$475,000 for 15 years assuming the insurance will pay the balance; inquired as to the actual cost of the \$475,000 and Mr. Lang noted that he does not know as interest is added and it is unknown what the rate will be at that time. Mr. Sikorski continued that the public has an uncomfortable feeling with what Council is doing and he does not think they are doing what is best for the public. Somewhere along the line this will affect the resident's taxes. He noted that 13% of Hightstown's residents are Senior Citizens who are already having difficulties.

Jeff Eldridge, 124 Grant Avenue – Agreed with Mr. Sikorski; noted that there is a piece of property already built and available on dry ground and Council wants to build on stilts, there is nothing that has shown the actual cost.

April 1, 2013

Bernard Jones, 18 Grape Run – Inquired if there was a limit on what insurance is going to pay, do we need both 100 and 102 Mercer Street, and are we sure insurance is going to pay?

Eugene Sarafin, 628 S. Main Street – Inquired why Council would spend \$325,000 for the rental of the property on Bank Street if the police department can stay where they are for a lesser rent and the cost of cells; referred to statutes that allow residents to fight a bond ordinance and go for a referendum. He then insulted Council and Mayor Kirson instructed him to be civil. Mr. Sarafin added that we will end up with no Borough Hall because people do not want it at its present location.

J P Gibbons, 602 N. Main Street – supported the present location of Borough Hall because the maximum resident exposure is \$125,000, which has been confirmed by the insurance evaluation; Council has hired professionals and the evaluation has shown that the Lucas property will cost \$1M - \$2M to renovate; commented that downtown will become vacant if Borough Hall moves out of downtown; cited insurance coverage.

Mayor Kirson directed the public to get back on track as this an ordinance public hearing, not public comment period.

Mr. Gibbons continued that this ordinance fills the gap until the ordinance pays for the costs and FEMA will pay up to 75% of our deductible, we should not pay for a different property.

Eugene Sarafin, 628 S. Main Street – commented that the insurance wants to settle, he has spoken to them.

Rick Pratt, 214 Stockton Street – commented that Mr. Gibbons comments makes it appear that the ordinance does not apply to a building in a specific location; Council spoke about appreciating volunteers, but they are not listening to them (Planning Board, Environmental Commission, GHEWIP); it does not make sense to re-build in a flood zone; Mr. Gibbons is painting a negative picture with a vacant downtown, is that true or should we look forward to re-development of the rug mill.

Scott Caster, 12 Clover Lane – Appreciates Council taking the heat on this; millions re-build in flood zones, even people down the shore; commented that he re-built from Irene and is glad the building will be raised.

Mayor Kirson asked him to speak on the ordinance, this is the public hearing for the ordinance, not public comment.

Mr. Caster continued that this ordinance should be supported because it will cost more to go to Lucas and the building belongs downtown, nobody has offered to develop the rug mill in 30 years.

Melanie Alio, 158 Grant Street – noted that she believes the problem with public sector spending is that they are notorious for spending money, and if you give them anybody else's money, the situation is not any better and we just saw that with the \$500 that just went to the school; leaving the Borough Hall in its present location does not show vision and the resolutions that have been adopted have caused bad feelings amongst Council and they have not recovered. As the leaders of the community it is your job to bridge this divide and until you do, you are not ready to begin work on this project. We also have a lot of informal spokespersons, Council needs to bring in the reigns and the information has to come from Council; you need to be seen as a responsible source of information. Everybody wants to see Hightstown be successful and the best that it can be, and that is why she opposes the ordinance.

There being no further comments, Mayor Kirson closed the public hearing on ordinance 2013-06.

Councilmember Doran moved ordinance 2013-06 for adoption, Councilmember Woods seconded.

Councilmember Bluth stated that she will vote no for this ordinance, there is no commitment from the insurance or FEMA. The ordinance, the way it is written, clearly states that we will receive \$2,500,000 from insurance proceeds, but we have no commitment from the insurance and/or FEMA. We cannot commit to spending these funds without knowing what we are getting back; we need to take a route with the least amount, possibly no debt. She noted that she is not getting into a discussion about location because this is about this ordinance. The temporary space alone is over \$500,000 plus the cost of the lease of property behind the Ely House and temporary quarters. She opposes this ordinance and how it is written.

Councilmember Doran stated that this ordinance is needed to move forward and she will vote yes.

Councilmember Woods confirmed with George Lang that this ordinance is needed to have a place where to charge expenses.

Councilmember Thibault noted that it has been 20 months since the storm and employees are in insufficient quarters and the police department has code violations; we need to spend money to get the employees out of substandard facilities; there have been presentations with the numbers and options; this ordinance needs to be done.

Council President Quattrone noted that he is opposed to building in a flood zone because the people we need most in a flood emergency will be those who are victims of the flood, but we need to put employees in suitable quarters; he will vote yes, but he still opposes re-building in the present location, that has not changed.

The Borough Attorney reminded Council that in order to adopt the ordinance two-thirds affirmative vote of the Council is necessary and before any construction work can begin the project must be referred to the Planning Board so they can review the plans.

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

Ordinance adopted 5-1.

Ordinance 2013-06  
*BOROUGH OF HIGHTSTOWN*  
*COUNTY OF MERCER*  
*STATE OF NEW JERSEY*

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

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

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

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

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

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

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

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

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

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

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

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this ordinance, is 15 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$475,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

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

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

Section 8. Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or, if other than the Insurance Proceeds referred to in Section 1 hereof, to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the



Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

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

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

**Ordinance 2013-07 Final Reading and Public Hearing – Bond Ordinance Providing for Improvements to the Peddie Lake Dam Walking Bridge in and by the Borough of Hightstown, in the County of Mercer, New Jersey, Appropriating \$210,000 Therefor and Authorizing the Issuance of \$200,000 Bond or Notes of the Borough to Finance Part of the Cost Thereof**

Mayor Kirson opened the public hearing for ordinance 2013-07 and the following individuals spoke:

Eugene Sarafin, 628 S. Main Street – he commended the Bridge Committee for all their hard work and supports the ordinance.

Scott Caster, 12 Clover Lane – he agrees with Council President Quattrone’s previous comments that the bridge will bring the town together and build up downtown; keep banners off of the new bridge.

Rick Pratt, 214 Stockton Street – commented that he supports this ordinance, the bridge will be a beautiful centerpiece of town and the medallions will give the history of Hightstown.

Baernard Jones, 18 Grape Run – suggested that the Borough get grants for the bridge.

Darek Hahn, Bridge Committee Chair – noted that they are working on getting grants and would appreciate any assistance anyone can offer.

George Keith, 326 Lincoln Avenue – commented that he has served on the Bridge Committee for three and a half years and is worn out; it is time to get it built.

Frank Rivera, 110 Broad Street – thanked the committee and supports the ordinance.

There being no further comments Mayor Kirson closed the public hearing on ordinance 2013-07.

Councilmember Thibault moved ordinance 2013-07 for adoption, Councilmember Bibens seconded.

Council members thanked the committee for all their hard work and bringing this project together.

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

Ordinance adopted 6-0.

Ordinance 2013-07  
*BOROUGH OF HIGHTSTOWN*  
*COUNTY OF MERCER*  
*STATE OF NEW JERSEY*

**A BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO THE PEDDIE LAKE DAM WALKING BRIDGE**

April 1, 2013

**IN AND BY THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY,  
APPROPRIATING \$210,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$200,000 BOND OR NOTES OF  
THE BOROUGH TO FINANCE PART OF THE COST THEREOF**

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

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

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

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

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

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

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

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

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

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

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this ordinance, is 15 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the April 1, 2013

Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$200,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

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

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

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

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

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

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

The Borough Attorney advised Council that the plans should be sent to the Planning Board for review immediately.

Councilmember Bibens motioned to refer the plans for the Greenway Walking Bridge to the Planning Board for review and comment, Council President Quattrone seconded.

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

Mayor Kirson called a five minute break. The meeting reconvened at 9:55pm.

#### **Resolution 2013-87 Introduction of the 2013 Budget**

Council President Quattrone suggested that an adjustment be made to the First Aid budget to supplement training necessary for new members; the average cost per member is \$1,500 and he would like to see an adjustment of an additional \$10,000 to their budget. There was discussion regarding training costs, social security cost increases and the use of surplus to minimize the tax rate increase.

Council President Quattrone moved for introduction of the 2013 budget with the adjustment of an additional \$10,000 in the First Aid line item, Councilmember Bluth seconded.

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

Budget introduced, public hearing to be held on May 6, 2013.

#### **Resolution 2013-88    Payment of Bills**

Councilmember Woods requested that items #E0573 & #E0576 be pulled and voted separately.

Council President Quattrone moved Resolution 2013-88 without items #E0573 & #E0576, Councilmember Woods seconded.

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

Council President Quattrone moved items #E0573 & #E0576, Councilmember Bibens seconded.

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

Resolution adopted, 5-0 with one abstention.

Resolution 2013-88  
*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 \$263554.26 from the following accounts:

Current		\$161,220.45
W/S Operating		91,755.69
General Capital		3,300.00
Water/Sewer Capital		5,045.00
Grant		0.00
Trust		1,424.32
Housing Trust		0.00
Animal Control		16.80
Law Enforcement Trust		0.00
Housing Rehab Loans		0.00
Unemployment Trust		0.00
Escrow		<u>792.00</u>
Total		<u>\$263,554.26</u>

#### **Resolution 2013-89 Authorizing Emergency Temporary Appropriations Prior to Adoption of the 2013 Budget**

April 1, 2013

Councilmember Bibens moved Resolution 2013-89, Council President Quattrone seconded.

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

Resolution adopted 6-0.

Resolution 2013-89

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

**AUTHORIZING EMERGENCY TEMPORARY APPROPRIATIONS  
PRIOR TO ADOPTION OF THE 2013 BUDGET**

**WHEREAS**, an emergent condition has arisen with respect to inadequate appropriation balances remaining in some line items of the 2013 temporary budget; and

**WHEREAS**, N.J.S.A. 40A:4-20 provides for the creation of emergency appropriations for the purposes above mentioned; and

**WHEREAS**, it is the desire of the Mayor and Council to create emergency temporary appropriations as set forth on Schedule "A," attached; and

**WHEREAS**, the total emergency temporary appropriations in resolutions adopted in the year 2013 pursuant to the provisions of N.J.S.A. 40A:4-20 (Chapter 96, P.L. 1951, as amended), including this resolution, total:

	<i><b>THIS RESOLUTION</b></i>	<i><b>PREVIOUS TOTAL</b></i>	<i><b>CUMULATIVE TOTAL</b></i>
Current	438,663.00	490,942.00	<b>929,605.00</b>
Capital Outlay – Current	0.00	25,000.00	<b>25,000.00</b>
Debt Service - Current	0.00	0.00	<b>0.00</b>
Water/Sewer	187,500.00	430,000.00	<b>617,500.00</b>
Capital Outlay – W/S	0.00	0.00	<b>0.00</b>
Debt Service - W/S	0.00	0.00	<b>0.00</b>
<b>TOTAL</b>	<b>626,163.00</b>	<b>945,942.00</b>	<b>1,572,105.00</b>

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Hightstown (not less than two-thirds of all the members of thereof affirmatively concurring) that, in accordance with N.J.S.A. 40A:4-20:

1. An emergency temporary appropriation is hereby made for each item listed on the schedules that are attached hereto and made a part hereof.
2. Each emergency appropriation listed will be provided for in the 2013 budget under the same title as written herein;
3. One certified copy of this resolution will be filed with the Director of Local Government Services, and a copy provided to the Treasurer.

**Resolution 2013-90 Authorizing Renewed Shared Services Agreement with East Windsor Township for Senior Services**

Council President Quattrone moved Resolution 2013-90, Councilmember Thibault seconded.

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

Resolution adopted 6-0.

Resolution 2013-90  
*BOROUGH OF HIGHTSTOWN*  
*COUNTY OF MERCER*  
*STATE OF NEW JERSEY*

**AUTHORIZING RENEWED SHARED SERVICES AGREEMENT WITH EAST WINDSOR  
TOWNSHIP FOR SENIOR SERVICES**

**WHEREAS**, with the adoption of Resolution 2012-87 on February 21, 2012, the Borough Council approved a Shared Services Agreement with the Township of East Windsor for the provision of Senior Services for the period March 1, 2012 through February 29, 2013; and

**WHEREAS**, the parties desire to enter into a successor agreement to continue the provision of Senior Services to the Borough by the Township of East Windsor through February 28, 2014; and

**WHEREAS**, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40:65-1 et seq. authorizes the approval of Shared Services Agreements by Resolution; and

**WHEREAS**, the Mayor and Council have reviewed the proposed Shared Services Agreement for Senior Services for the period March 1, 2013 through February 28, 2014; and

**WHEREAS**, the Borough's net share of costs for these services, by the terms of this agreement, will be Twenty-Six Thousand Seventy Dollars (\$26,070.00) for this 12-month period; and

**WHEREAS** it is the intention of the Mayor and Council to provide adequate funding for this expenditure in the 2013 and 2014 budgets;

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

1. The Shared Services Agreement with the Township of East Windsor for Senior Services for the period March 1, 2013 through February 28, 2014 is hereby approved, in accordance with the provisions of N.J.S.A. 40:65-1 et seq.
2. The Mayor and Borough Clerk are hereby authorized and directed to execute the agreement for same.
3. This agreement is approved subject to the provision of adequate funds in the Borough's 2013 and 2014 budgets.

**Resolution 2013-91 Proclaiming Arbor Day**

Councilmember Bibens moved Resolution 2013-91, Councilmember Doran seconded.

Councilmember Doran corrected the date in the resolution to read Saturday, April 20th and reviewed the activities for the day.

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

Resolutions adopted 6-0.

Resolution 2013-91  
*BOROUGH OF HIGHTSTOWN*  
*COUNTY OF MERCER*  
*STATE OF NEW JERSEY*

**RESOLUTION DESIGNATING SATURDAY, APRIL 20, 2013 AS  
ARBOR DAY IN THE BOROUGH OF HIGHTSTOWN**

**WHEREAS**, it is widely reported as historical fact that, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

**WHEREAS**, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

**WHEREAS**, Arbor Day is now observed throughout the nation and the world; and

**WHEREAS**, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and

**WHEREAS**, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires, raw material for sculpture and painting and limitless works of art, and source materials for countless other wood products; and

**WHEREAS**, trees in our Borough increase property values, enhance the economic vitality of business areas, and beautify our community and spiritual renewal; and

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown hereby does proclaim and designate Saturday, April 20, 2013, as **ARBOR DAY** in the Borough of Hightstown;

**BE IT FURTHER RESOLVED**, by the Mayor and Council of the Borough of Hightstown, that all residents and members of our community are urged and encouraged to support efforts to protect our trees, walkways, riparian banks and woodlands throughout our Borough and our surrounding environment;

**BE IT FURTHER RESOLVED** that all residents and members of our community are urged and encouraged to plant trees where appropriate, to gladden hearts and promote the well-being of present and future generations.

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

Eugene Sarafin, 628 S. Main Street – commented that he does not care where Borough Hall ends up but the rug mill should be made a beautiful addition; a petition is being circulated to postpone the ordinance for Borough Hall; suggested alternate places for Borough Hall.

Scott Caster, 12 Clover Lane – commented that Council did not pay attention to Mr. Sarafin and that it was disrespectful; Bank Street Park needs to be cleaned up; Council should empower the Borough Administrator to do his job; East Windsor should pay Hightstown for the use of school property in the Borough; suggested the Borough hire a grant writer.

J P Gibbons, 602 N. Main Street – commented that he will donate \$500 to the Borough to give to the After-Prom.

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

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

**Councilmember Bibens** – noted that it was a good meeting and kudos to the volunteers of the Borough; the Fire Department will be hosting their fishing derby again this year.

**Councilmember Bluth** – commented that she is looking forward to the bridge getting completed; clarified that she is not in favor of the employees staying in substandard facilities, the reasons he voted against the bond ordinance has nothing to do with moving our staff but because this is going to cost the taxpayers a fortune; noted that there is \$29,000 in interest in the budget for notes outstanding due to Hurricane Irene and we have almost \$600,000 that has not yet been reimbursed to the Borough for this expense and now more expense is being incurred.

**Councilmember Thibault** – commented that he was offered the Lucas property free of charge and said no because it is not his decision, it is a Council decision.

**Councilmember Woods** – thanked Council for their after prom support and Councilmember Thibault for the volunteer resolution; there is a water/sewer department head meeting on Wednesday.

**Councilmember Doran** – advised Mr. Gibbons to just give the \$500 to the after prom project; noted that the rain garden is finished at the Housing authority and is beautiful; commented that the Environmental Commission, Parks & Recreation Commission and Public Works Department are all responsible for maintenance of open space and our parks and there appears to be confusion over responsibilities, Ken Lewis has been invited to meetings but does not attend.

**Council President Quattrone** – commented that he has worked with grant writers before and paid a lot of money to get little; noted that the Bank Street Park is currently being used as a staging for the Water Plant improvements but will be cleaned up when the project is complete; the First Aid has many new volunteers and is doing well; the monthly police report is available on line.

**Mayor Kirson** – suggested that residents read the police reports on line and see the benefit of the new hires.

Councilmember Bibens moved to adjourn at 10:37pm, Councilmember Woods seconded. All ayes.

Respectfully Submitted,

Debra L. Sopronyi, RMC  
Borough Clerk