

**Meeting Minutes
Hightstown Borough Council
Regular Meeting
October 7, 2013
6:00 pm**

The meeting was called to order by Mayor Kirson at 6:04pm and he read the Open Public Meetings Act statement which stated, "Adequate notice of this meeting has been given in accordance with the Open Public Meetings Act, pursuant to Public Law 1975, Chapter 231. Said notice was sent to the *Trenton Times* and the *Windsor-Hights Herald*, and is posted in the Borough Clerk's office."

The flag salute followed Roll Call.

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

Also in attendance: Debra Sopronyi, Borough Clerk; James LeTellier, Administrator/Police Director; Frederick Raffetto, Borough Attorney; and Eric Harrison, JIF Attorney.

Resolution 2013-200 Authorizing a Meeting Which Excludes the Public

Mayor Kirson requested that resolution 2013-200 be amended to include the Bruckner Southern under litigation.

Council President Quattrone moved resolution 2013-200 as amended, Councilmember Doran seconded.

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

Resolution adopted, 6-0.

Resolution 2013-200

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

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

Litigation – Lasky, Kirson & Bruckner Southern
Personnel – Borough Administrator & Construction Official

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: January 7, 2014 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 read the Open Public Meetings Act statement.

The Flag Salute followed Roll Call. Councilmember Thibault had departed the meeting at 7:35pm and was no longer present. George Lang, CFO, joined the meeting at this time and was now present.

Council President Quattrone amended the agenda for Council to return to executive session following the public meeting. Councilmember Bluth requested that the date of the May 6th executive session minutes be changed to June 3rd.

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

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

Agenda approved as amended.

Councilmember Bibens moved the June 3, 2013 executive session minutes for approval, Council President Quattrone seconded.

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

Minutes approved 5-0.

Council President Quattrone moved the June 17, 2013 executive session minutes for approval, Councilmember Bibens seconded.

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

Minutes approved 5-0.

Councilmember Bibens moved the June 17, 2013 open session minutes for approval, Council President Quattrone seconded.

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

Minutes approved 5-0.

Greenway Walking Bridge Update

Darek Hahn, Chair of the Greenway Walking Bridge Committee, addressed Council. He advised that they are waiting for the DEP Dam Safety permit and once it is received the advertisement for bid can be placed. He is working with the Fair Committee regarding the placement of banners.

There was discussion regarding moving the permit along, and the time frame for construction and completion. Council thanked Darek and the members of the Greenway Walking Bridge Committee for all their hard work.

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

Walter Sikorski, 326 N. Main Street – commented regarding his concerns with the letter that Council sent to the Governor, and consolidation bills and committees.

Keith LePrevost, 13 Greeley Street and Housing Authority Administrator – noted that the Housing Authority pays a pilot in-lieu of taxes, even though they are tax exempt; the Housing Authority is doing well and the pilot is a good model.

Rick Pratt, 214 Stockton Street, Business Owner, Planning Board Member, previous Historic Preservation Chair, Architect, and resident – commented that the design presented by the Architect is not appropriate and lacks utility space. He thinks that the Borough offices and Police Department should stay where they are and the old building should just be torn down.

Mayor Kirson noted that the Planning Board is holding a special meeting on Thursday to discuss Borough Hall.

Eugene Sarafin, 628 S. Main Street – commented that the media is reporting him to be a fanatic, but the Borough could have bought the property on Mercer Street; residents do not want to pay \$6M+ for a building that is not needed.

Scott Caster, 12 Clover Lane – requested that a Councilmember speak up and recommend the delegation of a committee to investigate financial opportunities. He spoke regarding increased revenue and curtailing taxes.

Mary Beth Colvell, 128 Broad Street – commented that she is up for tax sale and her assessment does not properly reflect her property.

Jim Douglas, 25 Barton Drive – commented that his taxes have increased \$3,000 in the three years he has been in Hightstown; building a new Borough Hall in the flood zone is stupidity; having the Police Director act as Administrator is not appropriate, especially since the Police Department is the biggest part of the budget.

There being no further comments, Mayor Kirson closed the public comment period. There was a brief break.

Ordinance 2013-21 Final Reading and Public Hearing – 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”

Mayor Kirson opened the public hearing on Ordinance 2013-21 and the following individuals spoke:

Eugene Sarafin, 628 S. Main Street – commended the Planning Board and Council for their work on this ordinance and noted that he supports it.

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

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

Ordinance adopted 5-0.

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

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

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

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

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

Small Wind Energy Systems.

Section 1. Definitions:

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

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

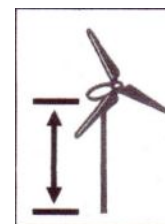
Shadow Flicker – the visible flicker effect when rotating blades of the wind generator cast shadows on the ground and nearby structures causing a repeating pattern of light and shadow.

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

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



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



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

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

Section 2. Procedure for Review and Approval; Standards.

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

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

- (1) Property lines and physical dimensions of the property.
- (2) Location, dimensions, and types of existing major structures on the property.
- (3) Location of the proposed Small Wind Energy System, foundations, guy anchors and associated equipment.

- (4) Any overhead utility lines.
- (5) Small Wind Energy System specifications, including manufacturer, model, rotor diameter, tower height, tower type, nameplate generation capacity.
- (6) A sound level analysis provided by the wind generator manufacturer or prepared by a qualified sound engineer.
- (7) Evidence of compliance or non-applicability of Federal Aviation Administration requirements.
- (8) Evidence of the structural stability of all elements of the Small Wind Energy System
- (9) A list of all neighboring property owners abutting the subject property.

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

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

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

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

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

(c) Guy wires used to support the tower are exempt from the Small Wind Energy System setback requirements.

(d) Sound level. The Small Wind Energy System shall not exceed sixty (60) decibels using the A scale (dBA), as measured at the subject site property line, except during short-term events such as severe wind storms and utility outages.

(e) Shadow Flicker. Small Wind Energy Systems shall be sited in a manner that does not result in significant shadow flicker impacts. "Significant shadow flicker" is defined as more than thirty (30) hours per year on abutting occupied buildings. The applicant has the burden of proving that the shadow flicker will not have significant adverse impacts on neighboring or adjacent uses.

(f) Signs. All signs including flags streamers and decorative items, both temporary and permanent, are prohibited on the Small Wind Energy System, except for manufacturer identification or appropriate warning signs which shall be affixed directly to the Small Wind Energy System.

(g) Visual Impacts. It is inherent that Small Wind Energy Systems may pose some visual impacts due to the tower height needed to access wind resources. The purpose of this section is to reduce the visual impacts, without restricting the owner's access to the optimal wind resources on the property.

- (h) The applicant shall demonstrate how the Small Wind Energy System's visual impacts will be minimized for surrounding neighbors and the community. This may include, but not be limited to information regarding site selection, wind generator design or appearance, buffering, and screening of ground mounted electrical and control equipment. All electrical conduits shall be placed underground.
- (i) The color of the Small Wind Energy System shall either be the stock color from the manufacturer or painted with an approved non-reflective, unobtrusive color that blends in with the surrounding environment. Approved colors include but are not limited to white, off-white or gray. This list may be amended from time to time by the Zoning Officer.
- (j) A Small Wind Energy System shall not be artificially lit unless such lighting is required by the Federal Aviation Administration (FAA). If lighting is required, the applicant shall provide a copy of the FAA determination to establish the required markings and/or lights for the Small Wind Energy System.
- (k) Approved Wind Generators. The manufacturer and model of the wind generator to be used in the proposed Small Wind Energy System must have been approved by the California Energy Commission, the New York State Energy Research and Development Authority, or a similar list approved by the State of New Jersey, if available. This list may be supplemented from time to time by the Zoning Officer.
- (l) Systems shall not interfere with television, microwave or radio reception.
- (m) Access. The tower shall be designed and installed so as not to provide step bolts or a ladder readily accessible to the public for a minimum height of eight (8) feet above the ground. All ground-mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.
- (n) All cables must be concealed below the roof line or wires shall be installed underground.
- (o) Small Wind Energy Systems in the Historic District.
- (1) In order to maintain the architectural detail and character of the Hightstown Historic District, Small Wind Energy Systems installed in the Historic District shall comply with the following conditions:
 - (a) Significant architectural details shall not be removed, damaged or covered by the installation of any Small Wind Energy System.
 - (b) Small Wind Energy Systems may not be installed in the front yard.
 - (c) Small Wind Energy Systems shall not be attached to the building façade or roof-mounted so as to be visible from the public right-of-way.
 - (d) If the proposed location for the Small Wind Energy System is not permitted by this Section, the installation shall be referred to the Hightstown Historic Preservation Commission for its consent to install, which decision shall be issued within thirty (30) days, unless extended for good cause.

3. Other Permits. All Small Wind Energy Systems shall obtain all other required permits, including construction and electric permits.

4. Expiration of Permits. All permits issued pursuant to the Ordinance shall expire if the System is not installed within two (2) years of Permit date or the System is out of service for a continuous twelve (12) month period, or is deemed unsafe by the Borough Construction Official.

Section 3. Abandonment.

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

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

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

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

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

Section 4. Violation and Enforcement.

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

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

3. Small Wind Energy Systems installed prior to the adoption of this Ordinance are exempt from this Ordinance except when modifications are proposed to the Small Wind Energy System and if the System is abandoned.

4. Nothing in this section shall be construed to prevent the Borough of Hightstown from using any other lawful means to enforce this Ordinance and to prevent violations.

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

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

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

Resolution 2013-201 Approval to Submit a Grant Application and Execute a Grant Contract with the New Jersey Department of Transportation for the Grant Avenue, Hutchinson Street, and Park Way Projects

Council President Quattrone moved Resolution 2013-201, Councilmember Bibens seconded.

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

Resolution adopted 5-0.

Resolution 2013-201
*BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY*

APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE GRANT AVENUE, HUTCHINSON STREET AND PARK WAY PROJECTS

October 7, 2013

NOW THEREFORE BE IT RESOLVED that the Hightstown Borough Council formally approves the grant application for the above stated projects.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2014-Hightstown Borough-00647 to the New Jersey Department of Transportation on behalf of the Borough of Hightstown.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Hightstown and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Resolution 2013-203 Authorizing Payment #7 Final – Clyde N. Lattimer & Son Construction Company, Inc. (Primary Clarifier)

Councilmember Bibens moved Resolution 2013-203, Council President Quattrone seconded.

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

Resolution adopted 5-0.

Resolution 2013-203

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

**AUTHORIZING PAYMENT # 7 FINAL – CLYDE N. LATTIMER & SON CONSTRUCTION
COMPANY, INC. (PRIMARY CLARIFIER UPGRADE)**

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

WHEREAS, the contractor has submitted payment request #7 Final related to installation of the Primary Clarifier and site restoration for the project in the total amount of \$3,544.30; and

WHEREAS, the Borough Engineer has recommended approval of payment #7 Final to Clyde N. Lattimer & Son Construction Co., Inc. in the amount of \$3,544.30; and

WHEREAS, the appropriate closeout documents for this project have been received and the Borough Attorney has found them to be satisfactory; and

WHEREAS, the Treasurer has certified that funds are available for this expenditure.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that Payment Request No. 7 Final to Clyde N. Lattimer & Son Construction Co., Inc. of Berlin, New Jersey in the amount of \$3,544.30 is hereby approved as detailed herein, and the Treasurer is authorized to issue same.

Resolution 2013-204 Authorizing the Payment of Bills

Councilmember Woods requested that item #E0576 be pulled and voted on separately.

There was discussion regarding payments to professionals and items G0037 and R0077 were pulled from the bills list to be voted separately.

Councilmember Bibens moved Resolutions 2013-204 without item #E0576, Council President Quattrone seconded.

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

Council President Quattrone moved item #E0576 for payment, Councilmember Bluth seconded.

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

Resolution adopted, without items G0037 and R0077, 4-0 with one abstention.

Resolution 2013-204

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

AUTHORIZING PAYMENT OF BILLS

WHEREAS, certain bills are due and payable as per itemized claims listed on the following schedules, which are made a part of the minutes of this meeting as a supplemental record;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the bills be paid on audit and approval of the Borough Administrator, the appropriate Department Head and the Treasurer in the amount of \$ from the following accounts:

Current		\$1,104,715.10
W/S Operating		91,994.52
General Capital		10,365.25
Water/Sewer Capital		40,139.97
Grant		1,078.00
Trust		5,248.81
Housing Trust		642.75
Animal Control		18.60
Law Enforcement Trust		0.00
Housing Rehab Loans		0.00
Unemployment Trust		0.00
Escrow		<u>3,637.50</u>
Total		<u>\$1,257,840.50</u>

Resolution 2013-205 Approving the 2011 Audit Corrective Action Plan and Authorizing the Filing of Said Plan with the Division of Local Government Services

Councilmember Woods moved Resolution 2013-205, Councilmember Bibens seconded.

George Lang, CFO, gave an explanation of the interfund transfer recommendation in the audit.

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

Resolutions adopted 5-0.

October 7, 2013

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

**RESOLUTION APPROVING THE 2011 ANNUAL AUDIT CORRECTIVE ACTION PLAN AND
AUTHORIZING THE FILING OF SAID PLAN WITH THE DIVISION OF LOCAL
GOVERNMENT SERVICES**

WHEREAS, the Borough of Hightstown is required, pursuant to the Single Audit Act Amendments of 1996, to prepare a Corrective Action Plan based on the findings and recommendations contained in the Annual Audit for 2011; and

WHEREAS, the Borough is required to submit a Corrective Action Plan to the Division of Local Government Services as part of the annual audit process, and to file a copy of said Plan with the Borough Clerk; and

WHEREAS, the Borough Council has received the 2011 Annual Audit – Corrective Action Plan.

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

1. That the 2011 Annual Audit – Corrective Action Plan, a copy of which is attached hereto and incorporated herein by reference, is hereby approved.
2. That the proper Borough officials are hereby authorized and directed to file said Corrective Action Plan with the Division of Local Government Services, and to file a copy in the Borough Clerk's office.

Resolution 2013-206 Resolution of the Borough of Hightstown, in the County of Mercer, New Jersey Rescinding a Prior Special Emergency Appropriation and Authorization in the Amount of \$100,000 as an Emergency Appropriation Pursuant to N.J.S.A. 40A:4-48 to Fund Extraordinary Expenses Incurred in Connection with Flood Damage Caused by Hurricane Irene and Further Authorizing the Issuance of Emergency Notes to Fund Such Emergency Appropriation

Council President Quattrone moved resolution 2013-206, Councilmember Bibens seconded.

Mayor Kirson explained the need for this resolution.

Councilmember Bluth inquired as to why these actions are being taken in one resolution instead of two, noting that she did not vote in favor of the resolution that is being rescinded and has a problem with the \$100,000. She would like to vote to rescind the prior resolution, but not vote for the \$100,000.

George Lang explained that the original resolution must be rescinded because it cannot be appropriated as a five-year funding emergency, but must be done as a one-year funded emergency; Bond Counsel recommends that one resolution be done.

Councilmember Bluth commented that she noted, in the meeting when the original resolution was approved, that the resolution would not be approved by Local Government Services; she reiterated that she is opposed to the \$100,000 appropriation.

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

Resolutions adopted 4-1.

Resolution 2013-206

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

RESOLUTION OF THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY RESCINDING A PRIOR SPECIAL EMERGENCY APPROPRIATION AND AUTHORIZATION IN THE AMOUNT OF \$100,000 AND RE-AUTHORIZING THE \$100,000 AS AN EMERGENCY APPROPRIATION PURSUANT TO N.J.S.A. 40A:4-48 TO FUND EXTRAORDINARY EXPENSES INCURRED IN CONNECTION WITH FLOOD DAMAGE CAUSED BY HURRICANE IRENE AND FURTHER AUTHORIZING THE ISSUANCE OF EMERGENCY NOTES TO FUND SUCH EMERGENCY APPROPRIATION

WHEREAS, an emergency has arisen resulting from flood damage caused by Hurricane Irene in and by the Borough of Hightstown, in the County of Mercer, New Jersey (the "Borough") requiring the appropriation of funds in the amount of \$100,000 to provide for the funding of extraordinary expenses incurred from flood damage caused by Hurricane Irene in and by the Borough, including all work and materials necessary therefor and incidental thereto, and further including all related costs and expenditures incidental thereto (the "Project"); and

WHEREAS, the Borough adopted Resolution #2013-168 on August 5, 2013 ("Resolution #2013-168") authorizing a special emergency appropriation in the amount of \$100,000 for the Project pursuant to N.J.S.A. 40A:4-54; and

WHEREAS, the Borough filed Resolution #2013-168 with the Director of the Division of Local Government Services (the "Division"); and

WHEREAS, the Division determined that an emergency appropriation pursuant to N.J.S.A. 40A:4-48 is more appropriate than a special emergency appropriation and authorization due to the amount of time that has lapsed since the date of the occurrence of the emergency; and

WHEREAS, adequate provision was not made in the 2013 Budget of the Borough for the aforesaid purposes, and N.J.S.A. 40A:4-48 provides authorization for the undertaking of emergency appropriations for the purposes mentioned above; and

WHEREAS, the total amount of emergency appropriations created, including the appropriation to be created by this resolution, is \$100,000.00 and 3% of the total current and utility operating appropriations in the budget for CY 2013 is \$235,792.87 and

WHEREAS, the foregoing emergency appropriation, together with prior emergency appropriations, does not exceed 3% of the total operating appropriations (including utility operation appropriations) in the budget for CY 2013.

NOW THEREFORE BE IT RESOLVED (by not less than two-thirds of the full membership of the governing body affirmatively concurring) as follows:

1. Resolution #2013-168 is hereby rescinded.
2. Pursuant to N.J.S.A. 40A:4-48, an emergency appropriation is hereby made in the amount of \$100,000 for the funding of the Project. The \$100,000 appropriated herein is sufficient to fund the emergency improvements.
3. The emergency appropriation set forth in Section 2 hereof is expected to ultimately be funded through a bond ordinance providing for the Project, which bond ordinance will be adopted by the Borough prior to the adoption of the 2014 budget.

4. An emergency note not in excess of \$100,000 is hereby authorized to be issued pursuant to N.J.S.A. 40A:4-51.
5. The Borough Council hereby determines that the expenditures authorized in Section 2 hereof will meet a pressing need for public expenditure to protect and promote the public health, safety, morale or welfare of the residents of the Borough.
6. The emergency note authorized herein, if issued, shall be executed by the Mayor and the Chief Financial Officer of the Borough and attested by the Borough Clerk.
7. The Chief Financial Officer of the Borough is hereby delegated the authority to sell and award the note, if any, and such notes, if issued, may be renewed from time to time by the Chief Financial Officer provided that any such renewals shall be payable on or before December 31, 2014.
8. Two certified copies of this resolution shall be filed with the Director of the Division of Local Government Services.
9. The statement required by the Local Finance Board has been filed with the Borough Council and a copy transmitted to the Director of the Division.
10. All actions previously taken by the Borough in awarding contracts or otherwise pursuant to Resolution #2013-168 referred to above, is hereby ratified and confirmed and shall be deemed to be taken pursuant to this resolution.
11. This resolution shall take effect immediately.

Best Practices

George Lang, CFO, reviewed the Best Practices submission with Council and there was discussion; he then requested questions from Council, of which there were none. He then noted that the submission will not affect the Borough's state aid.

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

Eugene Sarafin, 628 S. Main Street – commented regarding the drop in stock values and the tea party attempt to overthrow the government.

Scott Caster, 12 Clover Lane – suggested that the financial review committee should be established and creative; Council seems to be hesitant but this should be discussed at the next meeting.

Rick Pratt, 214 Stockton Street – noted that the process taken to design the building was incorrect and staff should be consulted; additional architects should be consulted for additional review and recommendations.

Pat Duncan, Parks & Recreation Commission Chair – noted that the Triathlon was a huge success and thanked the Municipal Clerk, Finance, Police Department, Fire Department, Peddie School, East Windsor and the scores of volunteers for assisting in making this event a success.

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

Mayor/Council/Administrative Comments and Committee Reports

Councilmember Bluth – recognized that employee Janice Mohr-Kminek has recently celebrated 20 years of service to the Borough; suggested that a recognition program be instituted in the Borough to recognize employees and their service to Hightstown. She then noted that Janice is in the hospital and she wished her good health.

Councilmember Bibens – noted that the Triathlon was great and the Harvest Fair is being held this weekend; the Fire Department and Parks & Recreation meetings are upcoming; the Administrative offices look great and there is a new Receptionist; she is looking forward to the Greenway Walking Bridge project moving forward.

Councilmember Doran – commented that the Architectural presentation was only for Council to agree on a concept; she is ashamed to be a part of this Council.

Councilmember Woods – distributed the Water/Sewer monthly report and noted that the tax sale has been scheduled with 36 properties, the original number was reduced by payments made when the shut-off notices went out; noted that she was instrumental in establishing “HOPE” a drug intervention program which contains representatives from the school, Health Department, City of Angels, and a member of the clergy, and a SAC Counselor. The next meeting will be held on November 12th. She noted that she has spoken with the Architect regarding having the façade of the building fitting into the Hightstown community; she is not opposed to consolidation and the process in the GHEWIP study should be followed.

Council President Quattrone – reviewed DPW trash collections with an increase in recycling and 22% reduction in trash, the Roosevelt agreement is still in effect; Ken Lewis is looking at the possibility of purchasing another truck from a municipality, for back-up; the First Aid is doing well, the Borough owned ambulance is down and its repair is being evaluated.

Municipal Clerk Sopronyi – reminded everyone to vote in the October 16th special Senatorial election.

Administrator/Police Director LeTellier – commented that new paperwork is being filed with FEMA for Hurricane Sandy expenses due to new regulations; the Hurricane Irene claim is still up in the air due to the flood maps, scheduled meetings have been delayed due to the Federal Government shut-down.

George Lang, CFO – noted that last year the Housing Authority pilot payment was \$21,000 last year, and this year it is \$130,000.

Municipal Clerk Sopronyi reminded Council that they have not yet voted to approve the payments for items G0037 and R0077 on the bills list.

Councilmember Bibens moved items G0037 and R0077 on the bills list for payment, Council President Quattrone seconded.

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

Items G0037 and R0077 on the bills list are approved for payment.

Councilmember Bibens moved that Council adjourn back into executive session, Councilmember Bluth seconded. All Ayes.

Council members Doran and Woods left the meeting at this time and did not attend the remainder of the meeting.

Councilmember Bluth moved to adjourn at 9:49 pm, Councilmember Bibens seconded. All ayes.

Respectfully Submitted,

Debra L. Sopronyi, RMC
Borough Clerk

October 7, 2013