

**Meeting Minutes
Hightstown Borough Council
Business Meeting
June 1, 2015
6:15 p.m.**

The meeting was called to order by Mayor Quattrone at 6:17 p.m. 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 Bluth</i>	✓	
<i>Councilmember Hansen</i>	✓	
<i>Councilmember Kurs</i>	✓	
<i>Councilmember Misiura</i>	✓	
<i>Councilmember Montferrat</i>		✓
<i>Councilmember Stults</i>	✓	
<i>Mayor Quattrone</i>	✓	

Also in attendance: Debra Sopronyi, Borough Clerk; Henry Underhill, Borough Administrator, George Lang, CFO; Fred Raffetto, Borough Attorney; Tamara Lee, Borough Planner; and Elizabeth Garcia, Labor Counsel.

Resolution 2015-28 Authorizing a Meeting Which Excludes the Public

Councilmember Kurs requested that Litigation – COAH be added to resolution 15-148.

Councilmember Kurs moved resolution 2015-148, as amended, Council President Hansen seconded.

Roll Call Vote: Council members Bluth, Hansen, Kurs, Misiura, and Stults voted yes.

Resolution adopted 5-0.

Resolution 2015-148

*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 June 1, 2015 at 6:15p.m. in the First Aid Building located at 168 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 - COAH
Contract Negotiations – Shared Services (Various – Police/Dispatch/Court)

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: September 1, 2015 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.

Mayor Quattrone called the public meeting to order at 7:15pm and again read the Open Public Meeting Statement.

The Flag Salute followed Roll Call.

Councilmember Montferrat arrived during executive session and was now present. Carmela Roberts, Borough Engineer, joined the meeting at this time and was now present.

Approval of Agenda

Councilmember Stults requested that item #G0171 be pulled from the Resolution 2015-132 and voted on separately.

The Borough Clerk advised that resolutions 2015-156 and 2015-157 need to be pulled from the agenda, and resolution 2015-158 needs to be added to the agenda.

Mayor Quattrone requested that the re-development subcommittee discussion item be pulled from the agenda.

Mr. Underhill requested that the special events discussion item be pulled from the agenda

Council President Hansen moved the agenda for approval as amended; Councilmember Stults seconded.

Roll Call Vote: Councilmembers Bluth, Hansen, Kurs, Misiura, Montferrat and Stults voted yes.

Agenda approved as amended 6-0.

Minutes for Approval

Council President Hansen moved April 20, 2015 open session minutes for approval; Councilmember Montferrat seconded.

Roll Call Vote: Council members Bluth, Hansen, Kurs, Misiura, Montferrat and Stults voted yes.

Minutes approved 6-0.

Councilmember Stults moved April 20, 2015 executive session minutes for approval; Councilmember Misiura seconded.

Roll Call Vote: Council members Bluth, Hansen, Kurs, Misiura, Montferrat and Stults voted yes.

Minutes approved 6-0.

Resolution 2015-149 Steward of History Award for 2014

Councilmember Stults moved resolution 2015-149, Councilmember Montferrat seconded.

Roll Call Vote: Council members Bluth, Hansen, Kurs, Misiura, Montferrat and Stults voted yes.

Resolution adopted 6-0.

Resolution 2015-149

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

STEWARD OF HIGHTSTOWN HISTORY AWARD 2014

WHEREAS, the “Steward of Hightstown History” award is given to a recipient selected by the Hightstown Preservation Commission recognizing the owner of a historic property who demonstrates a long-term commitment to preservation through careful property maintenance, restoration or rehabilitation; and

WHEREAS, a minimum of three nominees are presented to the Historic Preservation Commission for deliberation and selection; and

WHEREAS, a plaque is presented to the most deserving applicant as determined by the commission; and

WHEREAS, the Hightstown Preservation Commission have deliberated the proposed nominees and found that Mr. Keith White, of 137 East Ward Street has been found to be the most deserving of the award for 2014; and

WHEREAS, Mr. White’s porch was destroyed by a falling tree limb and while he could have simply removed the porch, he took the harder path and rebuilt it, bringing it back to the original historic architectural design; and

WHEREAS, the carpentry work for this project was performed by Yanni Moraitis; and

WHEREAS, the commitment of Mr. White in restoring his property to its original architecture is a strong example of what it means to be a “Steward of Hightstown History”.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that Mr. Keith White of 137 East Ward Street is hereby awarded the “Steward of Hightstown History” award for 2014 for his commitment to restoring his historic property to its original architecture.

Mayor Quattrone presented Mr. Keith White with a framed copy of the resolution which Councilmember Montferrat read aloud. Rick Pratt, Chair of the Historic Preservation Commission congratulated Mr. White and noted that this is the first time the HPC is presenting this award, and they hope to continue the process each year. He then congratulated Mr. White.

Public Comment Period 1

Mayor Quattrone opened public comment period 1 and the following individuals spoke:

Walter Sikorski, 326 North Main Street – commented that he is still waiting for council members to accept his invitation to walk North Main Street; noted that there is an issue with large vehicles parking at intersections and obstructing visibility.

George Wickers, 201 Franklin Street – commented that he is opposed to the lakefront plan as presented at the Downtown Hightstown meeting; it should stay the way it is, it has been that way since he was a child.

Lynn Woods, 315 Park Avenue – commented that the three minute limit is to limit meeting time, not limit what is said by the public; she thanked Sgt. Niro for 25 years of service to the Borough and suggested Council ask Lt. Gendron why his retirement cake said “with all due respect”; commented that Lt. Gendron’s management skills should be investigated.

Ron Kohn, 1 Barton Drive – stated that he is representing the Enchantment Association and advised that HOPA allows 20% of the development to be occupied by those under 55; on May 25th the Association voted to allow residents to be 50 years of age. He noted that the Borough must amend its ordinance to permit the change. (He then distributed copies of the change they are requesting.)

Eugene Sarafin, 628 S. Main Street – spoke regarding population, demographics, and overcrowding; suggested that code enforcement consider treating multi-house owners as landlords for apartments.

Scott Caster, 12 Clover Lane – thanked Council for beefing up code enforcement; noted that it has been four years since hurricane Irene and we still do not have a meeting room, we should become one with East Windsor or re-build Borough Hall.

Jim Douglas, 25 Barton Drive – commented that he would love to see Hightstown redeveloped and agrees with the Downtown Hightstown evaluation and redevelopment of the lake area; they have excellent ideas.

Doug Mair, 536 South Main Street – commented that whenever someone comes up with something that Council did not think of they ignore it; the Borough needs effective boards and committees; limiting speech and yielding time should not be discussed.

There being no further comments, Mayor Quattrone closed the public comment period and asked if Council had any comments. There were none.

Budget 2015

Mayor Quattrone re-opened the public hearing for the 2015 Budget and the following individuals spoke:

Eugene Sarafin, 628 South Main Street – congratulated Council on a good budget.

Scott Caster, 12 Clover Lane– commented that the numbers are more efficient than others in Mercer County; he looks forward to the revitalization of Hightstown.

Eugene Sarafin, 628 South Main Street – Commented that he is disappointed that he cannot tell by the budget exact costs for what the police and public works.

Doug Mair, 536 South Main Street – objected to the adoption of the budget until Councilmember Kurs can attend a budget discussion; he should abstain since he did not attend the meetings. He does not agree with the budget, there is always more room to squeeze; he agrees with Mr. Sarafin that the budget should be broken down to show police department costs.

Rob Thibault, 504 South Main Street – commented that Hightstown has the second highest equalized tax rate in Mercer County; we get less value per capita. He continued that there is no value for the dollar, and less than optimal services. While the budget is tight, it is in the top 5% in the state.

There being no further comments, Mayor Quattrone adjourned the Public Hearing for the 2015 Budget to continue at the June 15, 2015 Meeting.

2015-154 Resolution of Compliance Regarding the 2013 Audit

Council President Hansen moved Resolution 2015-154; Councilmember Stults seconded.

Roll Call Vote: Councilmembers Bluth, Hansen, Kurs, Misiura, Montferrat and Stults voted yes.

Resolution adopted 6-0.

Resolution 2015-154

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

RESOLUTION OF COMPLIANCE REGARDING THE 2013 AUDIT

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

WHEREAS, the Annual Report of Audit for the year 2013 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of *N.J.S. 40A:5-6*, and a copy has been received by each member of the governing body; and

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

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

General Comments
Recommendations

; and

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

General Comments
Recommendations

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

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

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

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

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

2015-155 Approving the 2014 Annual Audit Corrective Action Plan and Authorizing the Filing of Said Plan with the Division of Local Government Services

Councilmember Kurs moved Resolution 2015-155; Councilmember Montferrat seconded.

Roll Call Vote: Councilmembers Bluth, Hansen, Kurs, Misiura, Montferrat and Stults voted yes.

Resolution adopted 6-0.

Resolution 2015-155

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

RESOLUTION APPROVING THE 2013 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 2013; 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 2013 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 2013 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.

2015-158 Authorizing a Fish Stocking Permit for Peddie Lake

Mayor Quattrone explained that this request for a permit has been investigated and it has been found that the fish being stocked will not jeopardize the current occupants of the lake.

Council President Hansen moved Resolution 2015-158; Councilmember Bluth seconded.

Roll Call Vote: Council members Bluth, Hansen, Kurs, Misiura, Montferrat and Stults voted yes.

Resolution adopted 6-0.

Resolution 2015-158

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

AUTHORIZING A FISH STOCKING PERMIT FOR PEDDIE LAKE

WHEREAS, Mr. Raymond Podlesny, Jr. of 4 Oxford Drive in East Windsor Township has requested permission to stock Peddie Lake with minnows, largemouth bass, and blue gills; and

WHEREAS, it is required that Mr. Podlesny file an application with the New Jersey Division of Fish and Wildlife to undertake stocking Peddie Lake; and

WHEREAS, it is also required that the Borough, as owner of Peddie Lake, authorize the submission of his application to the New Jersey Division of Fish and Wildlife; and

WHEREAS, the Borough finds that the fish proposed in the application to stock Peddie Lake will not interfere with the fish that commonly inhabit Peddie Lake; and

WHEREAS, the Mayor and Borough Council find that the stocking of Peddie Lake will benefit the residents and sportsmen who take advantage of the opportunity to fish in Peddie Lake.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Mayor is hereby authorized to sign the application for a fish stocking permit as being presented, and further authorizes the application for a fish stocking permit to be filed by Mr. Raymond Podlesny, Jr. of 4 Oxford Drive, East Windsor, New Jersey 08520.

Ordinances

2015-12 First Reading and Introduction An Ordinance to Establish Salary Ranges for Certain Officers and Employees of the Borough of Hightstown

Councilmember Kurs moved Ordinance 2015-12 for introduction. Councilmember Stults seconded.

Mr. Underhill advised of the process and need for this ordinance, and noted that it includes changes previously made and new titles which have been suggested.

Roll Call Vote: Councilmembers Bluth, Hansen, Kurs, Misiura, Montferrat and Stults voted yes.

Ordinance introduced 6-0. Public hearing scheduled for June 15, 2015.

Ordinance 2015-12

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

**AN ORDINANCE TO ESTABLISH SALARY RANGES FOR CERTAIN OFFICERS AND
EMPLOYEES OF THE BOROUGH OF HIGHTSTOWN**

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

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

	RANGING FROM:	TO:
Mayor	\$4,800.00	\$4,800.00
Councilmember	\$3,600.00	\$3,600.00
Borough Clerk	\$40,000.00	\$75,000.00
Treasurer	\$40,000.00	\$60,000.00
Tax/Water/Sewer Collector	\$20,000.00	\$57,000 .00
Part-Time Tax/Water/Sewer Collector	\$10,000.00	\$15,000.00
Deputy Tax/Water/Sewer Collector	\$8,000.00	\$18,400.00
Tax/Utility/Payroll Clerk	\$28,000.00	\$47,000.00
Tax Assessor	\$7,500.00	\$18,000 .00
Registrar of Vital Statistics	\$2,500.00	\$5,000.00
Deputy Registrar of Vital Statistics	\$1,000.00	\$4,600.00
Municipal Court Administrator	\$40,000.00	\$65,000.00
Deputy Municipal Court Administrator	\$28,000.00	\$41,000.00
Administrative Assistant/Secretary	\$22,000.00	\$52,000.00
Records Management and System Administrator and Administrative Assistant to the Police Director	\$32,000.00	\$53,000.00
Planning Board Secretary	\$1,000.00	\$16,000.00
Technical Assistant	\$28,000.00	\$40,000.00
Construction Code Official	\$18,000.00	\$35,000.00
Fire Subcode Official	\$3,500.00	\$8,000.00
Building Subcode Official	\$3,500.00	\$8,000.00

	RANGING FROM:	TO:
Superintendent of Public Works	\$50,000.00	\$91,000.00
Assistant Superintendent of Public Works	\$50,000.00	\$66,000.00
Water Plant Operator	\$35,000.00	\$73,500.00
Supervising AWWTP Operator	\$44,000.00	\$56,000.00
Superintendent of AWWTP	\$50,000.00	\$85,000.00
Lab Manager – AWWTP	\$35,000.00	\$65,000.00
Secretary Board of Health	\$500.00	\$1,500.00
Computer Systems Administrator	\$3,000.00	\$6,000.00
Chief Financial Officer	\$2,000.00	\$50,000.00
Building Inspector	\$3,500.00	\$4,500.00
Zoning Official	\$6,000.00	\$12,000.00
Health Officer	\$8,000.00	\$13,000.00
OEM Coordinator	\$2,000.00	\$ 5,000.00
Borough Administrator	\$40,000.00	\$80,000.00
Police Director	\$50,000.00	\$85,000.00

Section 2. The following official employment designations are hereby confirmed and the rate of compensation of each officer and employee of the Borough of Hightstown, whose compensation shall be on an hourly basis, is:

	RANGING FROM:	TO:
Part-time clerical	\$8.00	\$30.00
Deputy Borough Clerk	\$12.50	\$25.00
Violations Clerk (part-time)	\$10.00	\$15.00
Disposition Clerk (part-time)	\$12.50	\$25.00
Special Officer – Municipal Court	\$25.00	\$35.00
Public Health Nurse	\$25.00	\$45.00
School Crossing Guard	\$15.00	\$25.00
Radio Dispatcher	\$8.00	\$26.00
Special Officer I	\$8.00	\$18.00
Special Officer II	\$18.00	\$30.00
Clerical Assistant	\$10.50	\$20.00

	RANGING FROM:	TO:
Administrative Assistant – Floater	\$13.50	\$21.00
Public Works Foreman	\$17.00	\$28.00
Public Works Heavy Equipment Operator	\$16.00	\$26.00
Public Works Automated Vehicle Operator	\$16.00	\$26.00
Public Works Driver/Laborer	\$15.00	\$25.00
Public Works Laborer	\$14.00	\$22.00
Public Works Municipal Building Maintenance	\$8.00	\$16.00
Public Works Mechanic	\$16.00	\$26.00
Seasonal/Temporary Labor	\$8.00	\$16.00
Assistant Water Plant Operator	\$15.00	\$25.00
Water Plant Lead Operator	\$40.00	\$49.00
AWWTP Maintenance	\$16.00	\$26.00
AWWTP Operator Trainee (up to 1 year exp)	\$13.00	\$16.00
AWWTP Operator – Class I (min. 1 year exp)	\$15.00	\$25.00
Recreation Director (part-time)	\$20.00	\$40.00
Assistant Recreation Director (part-time)	\$8.00	\$20.00
Junior Recreation Counselor (part-time)	\$6.00	\$12.00
Housing Inspector	\$14.00	\$35.00
Fire Inspector	\$14.00	\$35.00
Building Inspector	\$14.00	\$35.00
Code Enforcement Officer	\$15.00	\$25.00
Fire Official	\$14.00	\$35.00
Zoning Officer	\$14.00	\$35.00
Electric Subcode Official	\$14.00	\$40.00
Plumbing Subcode Official	\$14.00	\$40.00

Section 3. This Ordinance shall take effect after final passage and publication as provided by law, but the ranges of compensation herein provided shall be retroactive to January 1, 2015.

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

2015-13 First Reading and Introduction An Ordinance Amending Chapter 7, Entitled “Traffic”, Section 7-29, Entitled “Speed Limits” of the “Revised General Ordinances of the Borough of Hightstown, New Jersey” Establishing the Speed Limit for a Portion of Wyckoff Mills Road

Councilmember Kurs moved Ordinance 2015-13 for introduction. Councilmember Stults seconded.

There was discussion regarding the area of the speed reduction and the enforcement to be taken.

Roll Call Vote: Council members Bluth, Hansen, Kurs, Misiura, Montferrat and Stults voted yes.

Ordinance introduced 6-0. Public hearing scheduled for June 15, 2015.

Ordinance 2015-13

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

AN ORDINANCE AMENDING CHAPTER 7, ENTITLED “TRAFFIC,” SECTION 7-29, ENTITLED “SPEED LIMITS” OF THE “REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN, NEW JERSEY” ESTABLISHING THE SPEED LIMIT FOR A PORTION OF WYCKOFF MILLS ROAD

WHEREAS, the Hightstown Borough Police Department have recommended that the speed limit for a portion of Wyckoff Mills Road be established to be 25 miles per hour; and

WHEREAS, the Borough Council finds that it is in the public interest for the Borough of Hightstown to establish a 25 mile per hour speed limit for a portion of Wyckoff Mills Road.

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

Section 1. Chapter 7, entitled “Traffic,” Section 7-29, entitled “Speed Limits,” of the Revised General Ordinances of the Borough of Hightstown are hereby amended to read as follows (additions are underlined):

**Section 7-29
SPEED LIMITS**

Subsections:

7-29-1 Speed Limits.

Subsection 7-29-1 Speed Limits.

Speed limits along designated streets shall be as designated below:

Name of Street	Direction	Speed Limit and Location
Wyckoff Mills Road	All	<u>25 miles per hour from North Main Street to Cranbury Station Road</u>

Section 2. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

Section 3. If any section, subsection, clause or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the remaining portions of this ordinance.

Section 4. This ordinance shall take effect immediately after final passage and publication according to law.

2014-06 First Reading and Re-Introduction A Bond Ordinance Providing for Various Capital Improvements in and by the Borough of Hightstown. In the County of Mercer, New Jersey, Appropriating \$220,000 Therefor and Authorizing the Issuance of \$209,500 Bonds or Notes of the Borough to Finance Part of the Cost Thereof

Council President Hansen moved Ordinance 2014-06 for re-introduction. Councilmember Kurs seconded.

Council President Hansen explained that this ordinance is being re-introduced and adopted due to an advertising error.

Roll Call Vote: Council members Bluth, Hansen, Kurs, Misiura, Montferrat and Stults voted yes.

Ordinance introduced 6-0. Public hearing scheduled for June 15, 2015.

Ordinance 2014-06

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

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$220,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$209,500 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.

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

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized to be undertaken by the Borough of Hightstown, in the County of Mercer, New Jersey (the "Borough") as general improvements. For the several improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$220,000, and further including the aggregate sum of \$10,500 as the several down payments for the improvements or purposes required by the Local Bond Law. The down payments have been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments, negotiable bonds are hereby authorized to be issued in the principal amount of \$209,500

pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

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

<u>Purpose</u>	<u>Appropriation & Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds & Notes</u>	<u>Period of Usefulness</u>
a) Document cleaning, freeze drying, irradiation and records management services, including the destruction of eligible documents and microfilming of records required to be retained, including all related costs and expenditures incidental thereto and further including all work and materials necessary therefor and incidental thereto.	\$213,500	\$203,300	15 years
b) Acquisition of fire proof cabinets, including all related costs and expenditures incidental thereto.	<u>\$6,500</u>	<u>\$6,200</u>	10 years
TOTAL:	<u>\$220,000</u>	<u>\$209,500</u>	

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

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date. The bond anticipation 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 bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation 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 bond anticipation 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 bond anticipation 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 bond anticipation 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 improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are all improvements or purposes that the Borough may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 14.85 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 \$209,500, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$12,500 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 purposes or improvements.

(e) Any action taken prior to the date of adoption of this bond ordinance in furtherance of the several improvements or purposes described in Section 3, including but not limited to, expenditures of funds appropriated hereby, are hereby ratified, confirmed and approved.

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 or improvements described in Section 3 of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

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

Section 9. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the ARule@) 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.

2014-10 Final Reading and Public Hearing An Ordinance Amending Chapter 14, Entitled “Property Maintenance” of the “Revised General Ordinances of the Borough of Hightstown, New Jersey” Adding a New Section to Establish Standards for the Registration and Maintenance of Vacant and Abandoned Residential Properties in Foreclosure by Creditors

Mayor Quattrone opened the public hearing on ordinance 2015-10 and the following individuals spoke:

Ron Kohn, 1 Barton Drive – clarified the ordinance requirements and noted that the Enchantment Development Association asked if this ordinance could be amended to include language that those responsible for the property be required to pay maintenance fees while the property is vacant.

Eugene Sarafin, 628 S. Main Street – commented that it is a good ordinance, and inquired if statutes show it will stand up in court? Borough Attorney Raffetto noted that it is based on an approved statute. Mr. Sarafin expressed concern regarding the ordinance standing in litigation, and that the fees should be charged up front.

Doug Mair – 536 S. Main Street – commented that the ordinance is a step in the right direction, but he has an issue with in-state and out-of-state fines differing; he then noted an unmaintained property and suggested that DPW maintain it; unmaintained properties should be condemned.

Eugene Sarafin, 628 S. Main Street – commented that the fines are not high enough.

Lynne Woods, 315 Park Ave. – noted that she has concern with repeat offenders of high grass.

Mayor Quattrone responded that sometimes there are problems where some cut their grass and then let it grow again; and our ordinance does not differentiate between first time and repeat offenders, however they do go before the Judge each time and he has the right to increase their fines accordingly. This ordinance is not related to that, it is for vacant foreclosed properties.

Scott Caster, 12 Clover Lane – noted that ordinances need to be enforced.

Rob Thibault, 504 South Main Street – commented that enforcement will be the test and that the fines are established by statute. Word will spread if the ordinance is enforced.

There being no further comments, the public hearing was closed.

Councilmember Kurs moved Ordinance 2014-10 for adoption. Councilmember Stults seconded.

There was discussion regarding the fines being higher for out-of-state owners because it cost more to serve them if they are found in violation. The Borough Attorney confirmed that this ordinance is only effective after foreclosure. There was discussion regarding whether the ordinance could be amended to include the concern of Homeowners Associations regarding maintenance fees. The Borough Attorney stated that he could investigate the matter if Council so chooses.

Councilmember Misiura moved to table Ordinance 2014-10 until the Borough Attorney can investigate whether language can be added to address the concern of Homeowner Associations, Councilmember Montferrat seconded.

Roll Call Vote: Council members Bluth, Hansen, Misiura, Montferrat and Stults voted yes; Councilmember Kurs voted no.

Ordinance tabled 5-0. Public hearing continued for June 15, 2015.

Ordinance 2015-10

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

**AN ORDINANCE AMENDING CHAPTER 14, ENTITLED “PROPERTY MAINTENANCE” OF THE
“REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN, NEW JERSEY”
ADDING A NEW SECTION TO ESTABLISH STANDARDS FOR THE REGISTRATION AND
MAINTENANCE OF VACANT AND ABANDONED RESIDENTIAL PROPERTIES IN
FORECLOSURE BY CREDITORS**

WHEREAS, mortgage foreclosures often result in the abandonment and neglect of residential properties; and

WHEREAS, P.L. 2014, c. 35, authorizes municipalities to adopt ordinances for the purpose of regulating the care, maintenance, security and upkeep of the exterior of vacant and abandoned residential properties for which a creditor has filed an action to foreclose; and

WHEREAS, it is in the public interest for the Borough of Hightstown to establish a mechanism to identify and track vacant and abandoned residential properties in the Borough which are in foreclosure, to establish standards for the maintenance of those properties and to enforce those standards of maintenance.

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

Section 1. The Revised General Ordinances of the Borough of Hightstown are hereby amended by the addition of a new section to Chapter 14 Property Maintenance, to read as follows:

Registration and Maintenance of Vacant and Abandoned Residential Properties in Foreclosure

a. Definitions

1. “Creditor” means a State chartered bank, savings bank, savings and loan association or credit union, any person or entity required to be licensed under the provisions of the "New Jersey Residential Mortgage Act," P.L. 2009, c.53 (C.17:11C-51 et seq.), any foreclosing entity subject to the provisions of C.46:10B-51 (P.L. 2008, c. 127, Sec. 17, as amended from time to time) and any entity acting on behalf of the creditor named in the debt obligation including, but not limited to, servicers.
2. “Vacant and Abandoned” residential property means, consistent with section 1 of P.L. 2010, c.70 (C.2A:50-73), residential real estate , where a notice of violation has been issued pursuant to Paragraph e. 1 of this Section and subsection b. of section 1 of P.L.2014, c.35 (C.40:48-2.12s). Residential property shall further be deemed Vacant and Abandoned where a mortgaged property is not occupied by a mortgagor or tenant and at least two of the following conditions exist:
 - (a) overgrown or neglected vegetation;
 - (b) the accumulation of newspapers, circulars, flyers or mail on the property;
 - (c) disconnected gas, electric, or water utility services to the property;

- (d) the accumulation of hazardous, noxious, or unhealthy substances or materials on the property;
 - (e) the accumulation of junk, litter, trash or debris on the property;
 - (f) the absence of window treatments such as blinds, curtains or shutters;
 - (g) the absence of furnishings and personal items;
 - (h) statements of neighbors, association management, delivery persons, or government employees indicating that the residence is vacant and abandoned;
 - (i) windows or entrances to the property that are boarded up or closed off or multiple window panes that are damaged, broken and unrepaired;
 - (j) doors to the property that are smashed through, broken off, unhinged, or continuously unlocked;
 - (k) a risk to the health, safety or welfare of the public, or any adjoining or adjacent property owners, exists due to acts of vandalism, loitering, criminal conduct, or the physical destruction or deterioration of the property;
 - (l) an uncorrected violation of a municipal building, housing, or similar code during the preceding year, or an order by municipal authorities declaring the property to be unfit for occupancy and to remain vacant and unoccupied;
 - (m) the mortgagee or other authorized party has secured or winterized the property due to the property being deemed vacant and unprotected or in danger of freezing;
 - (n) a written statement issued by any mortgagor expressing the clear intent of all mortgagors to abandon the property;
 - (o) any other reasonable indicia of abandonment.
- b. Registration of Vacant and Abandoned Properties

1. A Creditor filing a summons and complaint in an action to foreclose on a Vacant and Abandoned property, or a Creditor who has previously filed a summons and complaint to foreclose on a residential property which subsequently becomes Vacant and Abandoned, shall within thirty (30) calendar days after the building becomes Vacant and Abandoned or within thirty (30) calendar days after assuming ownership of the Vacant and Abandoned property, whichever is later; or within ten (10) calendar days of receipt of notice from the Borough, and annually thereafter, file a registration statement for such Vacant and Abandoned property with the municipal clerk on forms provided by the Borough for such purposes. Any failure to receive notice from the Borough shall not constitute grounds for failing to register the Vacant and Abandoned property.
2. Each Vacant and Abandoned property having a separate block and lot number as designated in the official tax maps of the Borough shall be registered separately.
3. The registration statement shall include the name, street address, telephone number, and email address (if applicable) of a person twenty-one (21) years or older, designated by the Creditor as the authorized agent for receiving notices of code violations and for receiving process in any court proceeding or administrative enforcement proceeding on behalf of such Creditor in connection with the enforcement of any applicable code.
4. The registration statement shall include the name, street address, telephone number, and email address (if applicable) of the firm and the actual name(s) of the firm's individual principal(s) responsible for maintaining the Abandoned and Vacant property. The individual or representative of the firm responsible for maintaining the Abandoned and Vacant property shall be available by telephone or in person on a twenty-four-hour per day, seven-day per week basis. The two entities may be the same or different persons. Both entities shown on the statement must maintain offices in the State of New Jersey or reside within the State of New Jersey.

5. The registration shall remain valid for one year from the date of registration except for the initial registration which shall be valid through December 31st of the year in which it was filed. The Creditor shall be required to renew the registration annually as long as the building remains Vacant and Abandoned and shall pay a registration or renewal fee in the amount prescribed in Paragraph c. of this Section for each Vacant and Abandoned property registered.
6. The annual renewal shall be completed by January 1st each year. The initial registration fee shall be pro-rated for registration statements received less than ten (10) months prior to that date.
7. The Creditor shall notify the municipal clerk within thirty (30) calendar days of any change in the registration information by filing an amended registration statement on a form provided by the municipal clerk for such purpose.
8. The registration statement shall be deemed prima facie proof of the statements therein contained in any administrative enforcement proceeding or court proceeding instituted by the Borough against the Creditor.

c. Fee Schedule

The initial registration fee for each Vacant and Abandoned property under the provisions of this Section shall be five hundred (\$500.00) dollars. The fee for the first annual renewal shall be one thousand five hundred (\$1,500.00) dollars and the fee for the second annual renewal shall be three thousand (\$3,000.00) dollars. The fee for any subsequent annual renewal beyond the second renewal shall be five thousand (\$5,000.00) dollars.

d. Creditor Responsibility for Vacant and Abandoned Properties

1. A Creditor filing a summons and complaint in an action to foreclose on a residential property within the Borough shall be immediately responsible for the care, maintenance, security and upkeep of the exterior of the property, after the property becomes Vacant and Abandoned as defined in this Section.
2. Where a Creditor is located out-of-state, the Creditor shall be responsible for appointing an in-State representative or agent to act on the Creditor's behalf for the purpose of satisfying the requirements of Paragraph d. 1 of this Section. Notice of said representative or agent shall be provided to the municipal clerk pursuant to Paragraph b. 3 and 4 of this Section and pursuant to paragraph (1) of subsection a. of section 17 of P.L.2008, c. 127 (C.46:10B-51).

e. Notice

1. The enforcement officers designated in this Section shall be authorized to issue a notice to a Creditor that has filed a summons and complaint in an action to foreclose on a residential property within the Borough, if the enforcement officer determines that the Creditor has violated this Section by failing to provide for the care, maintenance, security, and upkeep of the exterior of a Vacant and Abandoned property.

Where a Creditor is an out-of-State Creditor, the notice shall be issued to the representative or agent that has been identified by the Creditor pursuant to Paragraph d. 2 of this Section and paragraph (1) of subsection a. of section 17 of P.L.2008, c. 127 (C.46:10B-51).

2. The notice referenced in Paragraph e. 1 of this Section shall require the Creditor to correct the violation(s) within 30 days of receipt of the notice, or within 10 days of receipt of the notice if the violation presents an imminent threat to public health and safety.
3. The issuance of a notice pursuant to Paragraph e. 1 of this Section shall constitute proof that a residential property is Vacant and Abandoned for the purposes of this Section.

f. Enforcement Officers

The duty of administering and enforcing the provisions of this Section is conferred upon the municipal clerk, construction official, zoning officer, housing officer, health officer, Borough police, and any other duly appointed representatives.

g. Violations and Penalties

1. A Creditor subject to this Section that is found by the municipal court of the Borough, or by any other court of competent jurisdiction, to be in violation of the requirement to correct a care, maintenance, security, or upkeep violation cited in a notice issued pursuant to this Section shall be subject to a fine of \$1,500 for each day of the violation. Any fines imposed pursuant to this paragraph shall commence 31 days following the receipt of the notice, except if the violation presents an imminent risk to public health and safety, in which case any fines shall commence 11 days following receipt of the notice.
2. An out-of-state Creditor subject to this Section that is found by the municipal court of the Borough, or by any other court of competent jurisdiction, to be in violation of the requirement to appoint an in-State representative or agent pursuant to this Section shall be subject to a fine of \$2,500 for each day of the violation. Any fines imposed on a Creditor for the failure to appoint an in-State representative or agent shall commence on the day after the 10-day period set forth in paragraph (1) of subsection a. of section 17 of P.L.2008, c. 127 (C.46:10B-51) for providing notice to the municipal clerk that a summons and complaint in an action to foreclose on a mortgage has been served.
3. A Creditor subject to this Section that is found by the municipal court of the Borough, or by any other court of competent jurisdiction, to be in violation of the requirement to register a Vacant and Abandoned property pursuant to Paragraph b. of this Section shall be subject to a fine not exceeding two thousand (\$2,000.00) dollars. Any fines imposed on a Creditor under this Paragraph shall commence 11 days following receipt of notice from the Borough pursuant to Paragraph b. 1 of this Section.
4. No less than 20 percent of any money collected by the Borough pursuant to this Section shall be utilized by the Borough for municipal code enforcement purposes.

Section 2. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

Section 3. If any section, subsection, clause or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the remaining portions of this ordinance.

Section 4. This ordinance shall take effect 20 days after final passage and publication according to law.

2015-11 Final Reading and Public Hearing A Bond Ordinance Providing for the Acquisition of an Aerial Ladder Truck in and by the Borough of Hightstown, in the County of Mercer, New Jersey, Appropriating \$1,000,000 and Authorizing the Issuance of \$952,300 Bonds or Notes of the Borough to Finance Part of the Cost Thereof.

Mayor Quattrone opened the public hearing on ordinance 2015-11 and the following individuals spoke:

Scott Caster, 12 Clover Lane – commented that this is a great investment for the Borough and he supports it.

Eugene Sarafin, 628 S. Main Street – commented that Hightstown has the best volunteer fire department in the area and this is a good investment.

Lynne Woods, 315 Park Ave. – noted that she is impressed with the fire department’s research into the truck and the price; she supports it.

Doug Mair – 536 S. Main Street – commented that he supports this ordinance, you cannot put a price on safety.

There being no further comments, the public hearing was closed.

Councilmember Kurs moved Ordinance 2015-11 for adoption. Councilmember Stults seconded.

Roll Call Vote: Councilmembers Bluth, Hansen, Kurs, Misiura, Montferrat and Stults voted yes.

Ordinance adopted 6-0.

Ordinance 2015-11

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

**BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF AN
AERIAL LADDER TRUCK IN AND BY THE BOROUGH OF
HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY,
APPROPRIATING \$1,000,000 THEREFOR AND AUTHORIZING THE
ISSUANCE OF \$952,300 BONDS OR NOTES OF THE BOROUGH TO
FINANCE PART OF THE COST THEREOF.**

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

Section 1. The 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 \$1,000,000, including the sum of \$47,700 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 \$952,300 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 the acquisition of an aerial ladder truck, including all related costs and expenditures incidental thereto.

(b) The estimated maximum amount of bonds or bond anticipation 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 bond anticipation note shall mature later than one year from its date. The bond anticipation 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 bond anticipation

notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation 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 bond anticipation 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 bond anticipation 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 bond anticipation 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 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 bond ordinance, is 10 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$952,300, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$25,000 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(a) hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the ARule@) 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.

2015-150 Authorizing the Payment of Bills

Councilmember Stults requested that item #G0171 be pulled from bill list to be voted on separately.

Council President Hansen moved Resolution 2015-150 without item #G0171, Councilmember Stults seconded.

Roll Call Vote: Council members Bluth, Hansen, Kurs, Misiura, Montferrat and Stults voted yes.

Councilmember Bluth moved item #G0171 for payment, Council President Hansen seconded.

Roll Call Vote: Council members Bluth, Hansen, Kurs, Misiura, Montferrat voted yes. Councilmember Stults abstained.

Resolution adopted 5-0 with 1 abstention.

Resolution 2015-150

*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 \$122,160.48 from the following accounts:

Current		\$68,671.44
W/S Operating		45,364.79
General Capital		585.00
Water/Sewer Capital		2,429.00
Grant		0.00
Trust		1,321.25
Housing Trust		0.00
Animal Control		0.00
Law Enforcement Trust		0.00
Housing Rehab Loans		0.00
Unemployment Trust		0.00
Escrow		<u>3,789.00</u>
Total		<u>\$122,160.48</u>

2015-151 Appointing Certain Code Enforcement Officials for the Borough of Hightstown

Councilmember Bluth moved Resolution 2015-151; Councilmember Montferrat seconded.

Councilmember Kurs noted that he will abstain as one of his clients is on the resolution.

Roll Call Vote: Councilmembers Bluth, Hansen, Misiura, Montferrat and Stults voted yes; Councilmember Kurs abstained.

Resolution adopted 5-0 with 1 abstention.

Resolution 2015-151

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

**APPOINTING CERTAIN CODE ENFORCEMENT OFFICIALS FOR THE
BOROUGH OF HIGHTSTOWN**

WHEREAS, there is a need for a Zoning Official, Housing Inspector, and Zoning Officer in Hightstown Borough to assist with code enforcement; and

WHEREAS, the Borough Administrator has recommended the following appointments to be effective June 1, 2015:

George Chin	Zoning Official
Chad Reed	Housing Inspector
David Bell	Zoning Officer

; and

WHEREAS, the Mayor and Council have reviewed the recommendation of the Borough Administrator and found that these appointments will benefit the residents of the Borough and improve code enforcement in the Borough; and

WHEREAS, it is the desire of the Mayor and Council to make the appointments as recommended.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the appointments as listed in this resolution shall be effective June 1, 2015.

2015-152 Authorizing a Shared Services Agreement with Robbinsville Township for Emergency Medical Services

Councilmember Kurs moved Resolution 2015-152; Councilmember Montferrat seconded.

Roll Call Vote: Council members Bluth, Hansen, Kurs, Misiura, Montferrat and Stults voted yes.

Resolution adopted 6-0.

Resolution 2015-152

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

**AUTHORIZING A SHARED SERVICES AGREEMENT WITH ROBBINSVILLE
TOWNSHIP FOR EMERGENCY MEDICAL SERVICES**

WHEREAS, there is a need for Emergency Medical Service coverage in Hightstown Borough; and

WHEREAS, Hightstown Borough desires to enter into an agreement with Robbinsville Township for Emergency Medical Service and Robbinsville Township has agreed to provide said services to Hightsotwn Borough; 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 Emergency Medical Service for the period June 1, 2015 through December 31, 2015; and

WHEREAS, this agreement may be extended by mutual agreement of the parties for up to two (2) additional one year terms; and

WHEREAS, the Borough's net share of costs for these services, by the terms of this agreement, will be Ten Thousand Five Hundred Dollars annually, to be pro-rated for the period of June 1, 2015 to December 31, 2015; and

WHEREAS funds for this expenditure will be made available in the 2015 budget;

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 Robbinsville for Emergency Medical Service for the period June 1, 2015 through December 31, 2015 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 2015 budget.

2015-153 Authorizing the Borough of Hightstown to Enter into a Developers Construction Sequence Agreement with Peddie School

Council President Hansen moved Resolution 2015-153; Councilmember Montferrat seconded.

Roll Call Vote: Council members Bluth, Hansen, Kurs, Misiura, and Montferrat voted yes; Councilmember Stults abstained.

Resolution adopted 5-0 with one abstention.

Resolution 2015-153

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

**AUTHORIZING THE BOROUGH OF HIGHTSTOWN TO ENTER INTO A
DEVELOPER'S CONSTRUCTION SEQUENCE AGREEMENT
WITH THE PEDDIE SCHOOL**

WHEREAS, The Peddie School (the "Developer") intends to develop a portion of the land known and designated as Lot 1.02 in Block 53 on the Hightstown Borough Tax Map (the "Project Area"), along with adjacent areas, which parcel(s) is situated in the R-1 Zoning District, in order to demolish two existing dormitories and construct two new dormitories (the "Project"); and

WHEREAS, the Project shall also include roadway realignment and drainage improvements to the roadway that traverses the campus area and the Project Area, and the construction of an underground detention basin, landscaping, and water and sewer utility improvements; and

WHEREAS, the Developer has obtained preliminary and final site plan approval from the Hightstown Planning Board, which approval was memorialized on February 9, 2015, by Resolution No. 2015-07; and

WHEREAS, as a condition of the preliminary and final site plan approval, Developer is required to enter into an Agreement with the Borough, satisfactory to the Mayor and Council, Borough Engineer, Borough Attorney and Planning Board Attorney; and

WHEREAS, the parties have negotiated a proposed Developer's Construction Sequence Agreement (the "Agreement"), and the proposed Agreement is in a form satisfactory to the Developer, as well as to all of the Borough representatives referenced above.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Hightstown, that the Mayor and Borough Clerk are hereby authorized to execute the Developer's Construction Sequence Agreement on behalf of the Borough.

Transfer of three minute comment period

Mayor Quattrone noted that this is on the agenda because he thinks Council should decide whether the public can transfer their three minute time limit to other members of the public, if they wish to do so. There was discussion regarding how often this occurs; residents should be able to transfer their time if they do not wish to use it and another does not have time to finish; the Mayor should decide since he presides over the meeting; and that the privilege should not be permitted to be abused.

It was decided that the Mayor would determine whether to allow the transfer of time on a case by case basis.

Safe Routes to School Grant

The Borough Engineer noted that the Borough has received a grant for the Joseph and Stockton Streets and requested authorization to bid the project. She noted that she would coordinate the permits with the County, but the specifications must meet Federal guidelines and be ADA compliant. Ms. Roberts also noted that there has been a new process developed for Environmental Commission and Planning Board review of specifications.

There was discussion regarding the documenting of comments with a report to Council; the scope of the project; grants, bond ordinances; Planning Board review of capital projects; engineering cost structure; and the present capital plan.

Maxwell Avenue Culvert

Mayor Quattrone advised that the County requested that the Borough contribute to the Maxwell Avenue culvert project, but he told the County Executive that the Borough would not contribute, it is the County's responsibility. There was discussion.

Settling Tank Rehabilitation Revisions

The Borough Engineer explained the purpose of the settling tanks and the need for rehabilitation, noting that an inspection of the tanks revealed mechanical repairs are needed which will add \$40,000 - \$50,000 to the cost of the project. She continued that it is unknown as to whether the NJEIT will allow them to include the cost in the loan, but the repairs can be added to the bid as alternates, which DEP has recommended.

George Lang, CFO, noted that the Engineer should inquire if the repairs can be added to the loan, but if not they should be included in the bid specifications as alternates if it is something that is needed; it will cost more to make the repairs later.

There was discussion and the CFO and Engineer were directed to work together on this portion of the project.

Rehabilitation Tax Abatement

Council members Misiura and Montferrat, along with Chris Moraitis serve as the sub-committee who is investigating the possibility of establishing tax abatement for the rehabilitation of historic properties. Councilmember Misiura noted that under re-development law, the Borough can pass an ordinance and declare an area or certain properties eligible. He then reviewed various options available for the ordinance, noting that they have spoken with the Assessor and he is familiar with such an ordinance, and it will not severely affect the tax base. There was discussion regarding the projects that would qualify and that it would only apply to added assessments; the homes improved must be over 20 years old; and the public must be aware of the ordinance for it to be beneficial to the Borough.

Council unanimously agreed that the Attorney should draft the ordinance. The Borough Attorney will discuss the matter with the Assessor to draft the ordinance which he will bring back to Council.

Public Comment Period II

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

George Zhelesnik, 7 Ely Court – spoke regarding the Wyckoff Mills Road speed limit and commented that the entire road should be 25 mph due to the S-bend and blind corner.

Rob Thibault, 504 South Main Street – commented that the abatement ordinance is a bad solution and will not make or break a project; inquired if the abatement includes County and School taxes, because if it does it creates a burden on other taxpayers; recited the statute and what he thinks are flaws.

Councilmember Montferrat noted that the qualifications will be addressed in the ordinance.

Mr. Thibault noted that it could include any improvements (i.e. painting, landscaping, etc.) and the ordinance is more trouble than it is worth.

Eugene Sarafin, 628 S. Main St. – commented that Council has tabled ordinance 2015-10 to appease the Enchantment Association, but they should not be interfering with a homeowner association; he asked Council to pass the ordinance and that the ordinance should be amended to deal with rented single family homes and home ownership.

Lynne Woods, 315 Park Ave. – requested clarification on the yielding of time. Mayor Quattrone advised that if someone's three minute limit is up and they would like to finish their comments an extension can be granted, or someone else can yield their time if there is considerably more they wish to say; approval can be granted by the person presiding over the meeting.

Doug Mair, 536 S. Main St. – commented that South Main Street is a main thoroughfare and has no sidewalks, and the aprons and etc. are not repaired; revitalization money should be sent to South Main Street. He continued that Council should investigate the request from Enchantment and let them know what is going on; this was a great meeting.

There being no further comments, Mayor Quattrone closed public comment period II.

Council/Mayor/Administrative Reports

Councilmember Bluth – advised that the Parks and Recreation meeting has been moved to June 2nd due to immediate needs.

Councilmember Montferrat – commented that this was a productive meeting; the Historic Preservation Commission meeting will be held on June 18th and their minutes have been posted to the website; noted that he is excited about the discussion at the Downtown Hightstown meeting.

Councilmember Misiura – noted that the residents of West Windsor are complaining about high taxes; noted that to get the tax abatement there must be added assessments; the Memorial Day parade was great and he knew the Grand Marshall; it was a great presentation by the Downtown Hightstown; the Environmental Commission will meet on the 26th.

Councilmember Kurs – nothing to report on fire and EMS; reviewed the monthly report of police department activity; June first marks the start of LGPT Pride Month; today is also the beginning of African American Music Month.

Councilmember Stults – noted that the Planning Board will meet next week and hope to have updates soon on signs and standards; last Friday Downtown Hightstown held their final visioning workshop and over 100 people attended, they are also holding stockholder meetings with business owners; there has been interest from a few developers; he hopes to have a pdf of the presentations available on the website soon; the workshops have been a great experience and has created a newfound excitement.

Council President Hansen – commented that this has been a really good meeting with getting a lot done and it has been positive; there is no report for water/sewer; the Arts Commission has done a walk-trough town to determine presentation areas; the parade was very good.

George Lang, CFO – advised that last week \$3.5M in bond anticipates notes were sold at .6%.

Mayor Quattrone – inquired of Councilmember Kurs as to whether he has thoroughly reviewed the budget. Councilmember Kurs noted that he has and is comfortable with adopting the budget. He then advised that the age restriction revision requested by Enchantment is being reviewed; and the Grand Marshalls for the parade were WWII Veterans. He then noted that the Borough Clerk is requesting assistance from the Boards regarding information for the posting of events to the website; the vision workshops held by Downtown Hightstown were great and interesting, they will be bringing information to Council. He then thanked the public for attending the meeting tonight.

Council President Hansen motioned to adjourn at 10:00p.m.; Councilmember Stults seconded. All ayes.

Respectfully submitted,

Debra L. Sopronyi
Borough Clerk