

**Meeting Minutes  
Hightstown Borough Council  
Workshop Meeting  
March 7, 2016  
7:00 p.m.**

The meeting was called to order by Mayor Quattrone at 7:00 pm and he read the Open Public Meetings Act statement which stated, “Adequate notice of this meeting has been given in accordance with the Open Public Meetings Act, pursuant to Public Law 1975, Chapter 231. Said notice was sent to the *Trenton Times* and the *Windsor-Hights Herald*, and is posted in the Borough Clerk’s office.”

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; Fred Raffetto, Borough Attorney and Tamara Lee, Borough Planner.

**EXECUTIVE SESSION**

**Resolution 2016-55** Authorizing a Meeting Which Excludes the Public

Councilmember Stults moved Resolution 2016-55; Councilmember Montferrat seconded.

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

Resolution adopted 5-0.

Resolution 2016-55

*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 March 7, 2016 at 7:00 p.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 – Affordable Housing (COAH)

Contract Negotiations – RBG Hightstown LLC (The Mills at Hightstown)

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: June 7, 2016, 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 7:45 p.m. and again read the Open Public Meetings Statement.

The Flag Salute followed roll call.

Tamara Lee, Borough Planner departed during executive session and was no longer present. George Lang, CFO, arrived at this time and is now present.

### **APPROVAL OF AGENDA**

Mayor Quattrone asked that resolution 2016-73 be added to the consent agenda.

Councilmember Bluth requested that resolution 2016-65 be pulled from the consent agenda to be voted separately.

Councilmember Kurs moved the agenda as amended for approval; Councilmember Stults seconded.

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

Agenda approved as amended 5-0.

### **APPROVAL OF MINUTES**

Councilmember Kurs moved the January 25, 2016 special meeting minutes for approval, Councilmember Stults seconded.

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

Minutes approved 5-0.

Councilmember Stults moved the February 1, 2016 executive session meeting minutes for approval, Councilmember Kurs seconded.

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

Minutes approved 5-0.

Councilmember Montferrat moved the February 16, 2016 executive session meeting minutes for approval, Councilmember Bluth seconded.

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

Minutes approved 5-0.

### **PUBLIC COMMENT**

Eugene Sarafin, 628 S. Main Street – noted that he cannot stay, but wanted Council to know that Walter Sikorski is being discharged from the hospital to take up residence at Meadow Lake.

Lynne Woods, 315 Park Avenue – inquired as to why the February 16, 2016 meeting minutes are not on the agenda. The Clerk advised that they are not yet done. Ms. Woods then inquired as to whether the Treasurer was RICE noticed when the position was discussed. She was advised by the Borough Attorney that all discussion regarding the title was held in open session, and pertained to the title, not the employee, so there was no need to RICE notice the employee in the position.

Doug Mair, 536 South Main Street – commented that Marchione was reimbursed for attorney fees and the taxpayers should not pay the tab, Labor Counsel and Borough Council should for pay for it for bringing trumped up charges.

Janice Mohr-Kminek, 192 Oak Creek Circle, East Windsor – commented that she passed hr classes, but not the test, why is her title being removed? Mr. Underhill stated that this is a personnel matter and he will not discuss it in public.

Chayna Wilson, 122 William Street – commented regarding ordinance 2016-07 regarding snow removal; she inquired where residents who only have on street parking are to park.

Nicholas DiSilvestro, 109 Forman Street – noted that there are only four houses on this street and inquired as to where they supposed to park.

Michael Kminek, 192 Oak Creek Circle, East Windsor – inquired as to why the Treasurer position is being eliminated; noting that the employee will not be able to use the title of Treasurer for possible future employment.

Dharmesh Shah, 128 – 130 William Street – asked for details on the parking ordinance and confirmed that it was no parking only when it snows.

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

## **ORDINANCES**

**Ordinance 2016-05 Final Reading and Public Hearing** – An Ordinance Amending and Supplementing Chapter 4, Entitled “General Licensing”, Section 4-10, Entitled “Auction; Circuses and Exhibitions”, of the “Revised General Ordinances of the Borough of Hightstown, New Jersey”

Mayor Quattrone opened the public hearing on ordinance 2016-05 and the following individuals spoke:

Doug Mair, 536 South Main Street – stood up but then sat down saying he is unprepared.

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

Councilmember Montferrat moved ordinance 2016-05 for adoption, Councilmember Kurs seconded.

The Borough Clerk explained the ordinance and its purpose.

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

Ordinance adopted 5-0.

**ORDINANCE 2015-05**

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

**AN ORDINANCE AMENDING CHAPTER 4, ENTITLED “GENERAL LICENSING”, SECTION 4-10 ENTITLED “AUCTIONS; CIRCUSES AND EXHIBITIONS” OF THE “REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN, NEW JERSEY.”**

**BE IT ORDAINED** by the Mayor and Council of the Borough of Hightstown, that Chapter 4, entitled “General Licensing”, Section 4-10 entitled “Auctions; Circuses and Exhibitions” of the “Revised General Ordinances of the Borough of Hightstown, New Jersey is hereby amended as follows:

**Section 1.** Section 4-10 entitled “Auctions; Circuses; Exhibitions” is hereby amended as follows (deletions are noted by cross-out and additions are noted by underline):

**Section 4-10**

**AUCTIONS; BINGOS; RAFFLES; CIRCUSES; EXHIBITIONS\***

**Subsections:**

**4-10.1 License Required.**

**4-10.2 Issuance of License.**

**4-10.3 Additional Requirements.**

\* *Editor's Note: For additional licensing regulations and fees, see Section 4-1.*

**4-10.1 License Required.**

No person shall conduct a ~~an auction sale~~, circus, traveling show or exhibition of any sort without first obtaining a license, which shall be issued by resolution of the Borough Council.

No person shall conduct an auction sale of any sort without first obtaining a license; said issuing authority shall be the Borough Clerk.

No organization shall conduct a bingo or raffle of any sort without first obtaining a license; said issuing authority shall be the Borough Clerk.

**4-10.2 Issuance of License.**

No ~~circus or traveling show~~ license shall be issued unless the Borough Council is satisfied that the ~~action~~, circus or traveling show is bona fide in all respects and can be permitted without substantial danger of fraud ~~or impairment of the morals~~ of any person or breach of the peace and good order of the Borough. (1991 Code § 77-2)

No auction license shall be issued unless the Borough Clerk is satisfied that the auction is bona fide in all respects and can be permitted without substantial danger of fraud of any person or breach of the peace and good order of the Borough.

No bingo or raffle license shall be issued unless the Borough Clerk is satisfied that the auction is bona fide in all respects and can be permitted without substantial danger of fraud of any person or breach of the peace and good order of the Borough pursuant to State Law.

#### **4-10.3 Additional Requirements.**

The following information, in addition to that supplied on all applications for licenses, shall be required to be supplied by applicants under this section:

a. Circus or traveling show: an exact description of the entertainments, acts, games, amusements, attractions or exhibitions which will be offered, together with the price to be charged for admission for each separate amusement.

b. Auctioneer: a description, under oath, of all goods which will be auctioned and the owner of all such goods. The description shall be sufficient for a person reasonably knowledgeable as to goods of the nature described to be able to fix a value therefor. The applicant shall be bound by the description set forth in the application and be liable to any purchaser should any goods not be as described. A copy of the description of goods shall be displayed conspicuously at the premises where the auction is to be held. (1991 Code § 77-3)

c. Bingo or Raffle: Fees shall be paid as designated by the State of New Jersey. The Hightstown Engine Co. #1, Hightstown First Aid Squad, and Hightstown Engine Co. #1 Ladies Auxiliary shall be exempt from the fees due the Borough but shall be required to pay all State of New Jersey fees associated with these licenses.

**Section 3.** All other ordinances or parts of ordinances inconsistent or in conflict with this ordinance are hereby repealed to the extent of any inconsistency or conflict.

**Section 4.** If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall remain valid and effective.

**Section 5.** This ordinance shall take effect after final adoption and publication according to law.

**Ordinance 2016-06 Final Reading and Public Hearing** – An Ordinance Amending and Supplementing Chapter 2, Entitled “Administration”, Section 14, Entitled “Department of Administration, Budget and Finance”, of the “Revised General Ordinances of the Borough of Hightstown, New Jersey”

Mayor Quattrone opened the public hearing on ordinance 2016-06 and the following individuals spoke:

Lynne Woods, 315 Park Avenue – inquired as to why the employee did not get notified in advance of the title change.

Doug Mair, 536 S. Main Street – commented regarding powers and duties and who should be handling money, and who appoints the various titles; inquired as to why the Mayor appoints the QPA.

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

Mr. Underhill explained that the Treasurer title is not needed. The employee currently holding the position does not hold the credentials for the position; they will be given another title with no loss in salary. The duties in the ordinance for Treasurer will now fall under the CFO.

There was discussion and Councilmember Misiura moved to amend the ordinance to read that the Qualified Purchasing Agent is appointed by the Mayor with the advise and consent of Council, Councilmember Stults seconded.

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

Ordinance amended 5-0.

Councilmember Stults moved ordinance 2016-06 as amended for adoption, Councilmember Bluth seconded.

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

Ordinance adopted as amended 5-0.

ORDINANCE 2016-06

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

**AN ORDINANCE AMENDING CHAPTER 2, ENTITLED “ADMINISTRATION”, SECTION 14, ENTITLED “DEPARTMENT OF ADMINISTRATION, BUDGET AND FINANCE”, SUBSECTION 14.2, ENTITLED “DIVISION OF BUDGET AND FINANCE”, OF THE “REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN, NEW JERSEY.”**

**WHEREAS**, the Borough Administrator has recommended amending the structure of the Division of Finance and Budget for the purpose of efficiency; and

**WHEREAS**, the Mayor and Council concur with the recommendation.

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

Section 1. Chapter 2, entitled “Administration”, Section 14, entitled “Department of Administration, Budget and Finance”, Subsection 14.2, entitled “Division of Budget and Finance” of the “Revised General Ordinances of the Borough of Hightstown, New Jersey” is hereby amended as follows (underline for additions, strikethroughs for deletions):

**Subsection 2-14.2            Division of Budget and Finance.**

This Division shall be headed by the Chief Finance Officer, under the direction of the Borough Administrator, and shall be organized as follows:

a. Powers and Duties of the Chief Finance Officer (CFO). The CFO shall have, perform and exercise all the functions, powers and duties provided by general law and Borough ordinances. The CFO shall keep and maintain books and records of all financial transactions of the Borough in accordance with the standards and requirements of the Division of Local Finance in the Department of Community Affairs of the State of New Jersey. The CFO shall have custody of all public moneys of the Borough and shall make monthly reports to the Administrator of all receipts, expenditures, commitments and unexpended appropriations. All moneys received from any source by or on behalf of the Borough or any Department, Board, Office or agency thereof, except as otherwise provided by Borough ordinance, shall be paid to the CFO, who shall, within forty-eight (48) hours after their receipt, deposit them in the authorized public depository of the Borough to the credit of the proper account. A Deputy CFO may be appointed by the Administrator, and shall perform duties as assigned by the CFO.

b. Disbursements. Disbursements in payment of bills and demands shall be made by the CFO upon approval of the Borough Administrator, approved by the Council, except that payments from the payroll account shall be made pursuant to paragraph c. Every payment shall be in the form of a check payable to the order of the person entitled to receive it, and shall specify the purpose for which it is drawn and the account or appropriation to which it

is chargeable. Each check shall bear the signatures of the officers of the Borough so designated by resolution each year. The Mayor and Council may, by resolution, establish purchasing policies which will permit certain categories of purchases and payments to be made without approval of the Council.

c. Payroll Account. There shall be an account to be designated the "Borough of Hightstown Payroll Account," and, from time to time, the Borough CFO, upon receipt of amounts due such payroll account, shall deposit the same to the credit of the payroll account, charging the appropriate budgetary accounts therewith. Disbursements from the payroll account may be made by payroll checks signed by the Borough Officials so designated by resolution each year. In case of error or adjustment in the payroll, the CFO shall make proper correction and appropriate record of such correction.

d. Travel Expenses. Itemized claims supported by receipts, where available, shall be presented in order to obtain reimbursement for expenses incurred by local officials where authorized to travel by the Borough. Travel expenses shall be reimbursed only in accordance with the travel regulations of the Borough as established by the Borough Administrator.

e. Qualified Purchasing Agent. There shall be a Qualified Purchasing Agent who shall be appointed by the Mayor, with the advise and consent of Council, and who shall have the authority, responsibility and accountability for the purchasing activity of the contracting unit, to prepare public advertising for bids and to receive bids for the provision or performance of goods or services on behalf of the Borough, and to award contracts permitted pursuant to *N.J.S.A. 40A:11* in the name of the Borough, and to conduct any activities as may be necessary or appropriate to the purchasing function of the contracting unit. The position of Qualified Purchasing Agent may be held by any Borough official qualified by education, certification and experience to perform in that capacity. (Ord. No. 19-1994; Ord. No. 2000-32)

Section 2. Severability. If any sentence, paragraph or section of this Ordinance, or the application thereof to any persons or circumstances shall be adjudged by a court of competent jurisdiction to be invalid, or if by legislative action any sentence, paragraph or section of this Ordinance shall lose its force and effect, such judgment or action shall not affect, impair or void the remainder of this Ordinance.

Section 3. Effective Date. This Ordinance shall become effective immediately upon final passage and publication in accordance with the law.

Section 4. Repealer. All other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

**Ordinance 2016-07 Final Reading and Public Hearing** – An Ordinance Amending and Supplementing Chapter 7, Entitled "Traffic", Section 9, Entitled "Temporary Parking Prohibition for Snow Plowing and Removal", of the "Revised General Ordinances of the Borough of Hightstown, New Jersey"

Mayor Quattrone opened the public hearing on ordinance 2016-07 and the following individuals spoke:

Mike Gargiullo, 113 First Avenue – inquired as to where they will park once their driveway is full of vehicles.

There was discussion regarding the term snow covered and using the Borough's reverse 9-1-1 system to notify residents when to move their vehicles.

Mr. Gargiullo thanked Council for the consideration of notification using the reverse 9-1-1 system.

Chayna Wilson, 122 Williams Street – inquired as to where she is expected to park since she has no driveway.

There was discussion regarding possibly making the parking restriction on one side of the street or specifying the time that plows will come down the street.

Nick Di Silvestro, 109 Forman Street – noted that there is a lot of street parking on this little road, and inquired if it is possible to make the restriction apply to one side.

There was discussion regarding the inability to cart the snow away with vehicles in the street.

Doug Mair, 536 S. Main Street – accused Council of not discussing this matter but being at the ordinance level already. Mayor Quattrone corrected him by noting that the Council has discussed this and had letters sent to the affected residents to invite them to the public hearing.

Mr. Mair commented regarding the various roads and suggested that the entire town be made no parking when snow covered.

Lynne Woods, 315 Park Avenue – commented that this should be a Borough-wide ordinance.

Scott Caster, 12 Clover Lane – noted the Borough’s great history of snow removal and inquired about the impossible fine.

Mayor Quattrone noted that the fine is covered in another part of the code.

Dharmesh Shah, 128 William Street – commented that he has no driveway and it will be inconvenient for him to move his vehicle.

Chayna Wilson, 122 Williams Street – confirmed that the parking restriction will only apply during snow removal.

Doug Mair, 536 S. Main Street – commented that all of the streets in the ordinance should be treated the same.

Mike Gargiullo, 113 First Avenue – noted that all streets are not the same, and he just wants to be notified if he has to move his vehicle.

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

Councilmember Misiura moved ordinance 2016-07 for adoption, Councilmember Montferrat seconded.

Mr. Underhill explained that over 90% of the residents have driveways on the affected streets, but there is no recommendation on where they can park. He noted that there are other streets already in the ordinance and they find places to park; and if they do not remove their vehicle, the police call them to give them the opportunity to remove their vehicle; they are not immediately towed. He noted that this is only during snow; once the snowfall stops and the street is plowed they can park on the street again. He added that the inability to push back the snow is costing the Borough to truck out the snow because it cannot be pushed back. There was discussion regarding the streets being safer for everyone when they are properly plowed; there are other towns that require vehicles to be off all of the streets in a snowfall; the need for access by emergency vehicles; and that it takes DPW approximately 40 hours to remove snow that cannot be plowed.

Councilmember Bluth moved to table ordinance 2016-07 until the Administrator, Public Works and the Police can decide the process for notifications when it snows. Councilmember Montferrat seconded.

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

Ordinance tabled 5-0, public hearing to continue at the March 21, 2016 meeting.

ORDINANCE 2016-07

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

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 7, ENTITLED “TRAFFIC”, SECTION 9, ENTITLED “TEMPORARY PARKING PROHIBITION FOR SNOW PLOWING AND REMOVAL”, OF THE “REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN, NEW JERSEY.”**

**WHEREAS**, the Public Works Superintendent has recommended that certain streets in the Borough

prohibit parking during snowfalls to permit the plowing and removal of snow; and

**WHEREAS**, the Borough Council has reviewed and concurs with these recommendations.

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

Section 1. Chapter 7 “Traffic”, Section 9, entitled “Temporary Parking Prohibition for Snow Plowing and Removal” is hereby amended as follows (underline for additions, strikethroughs for deletions):

**Section 7-9**

**TEMPORARY PARKING PROHIBITION FOR SNOW PLOWING AND REMOVAL**

**Subsections:**

**7-9-1 Temporary Parking Prohibition for Snow Plowing and Removal.**

**Subsection 7-9-1 Temporary Parking Prohibition for Snow Plowing and Removal.**

a. Whenever, snow has fallen and the accumulation is such that it covers the streets or highways, an emergency shall exist and no vehicle shall be parked on the streets or highways or portions thereof indicated.

The above parking prohibition shall remain in effect after the snow has ceased until the streets have been plowed sufficiently and to the extent that parking will not interfere with the normal flow of traffic.

b. An unoccupied vehicle parked or standing in violation shall be deemed a nuisance and a menace to the safe and proper regulation of traffic and any police officer may provide for the removal of such vehicle. The owner shall pay the reasonable costs of the removal and storage which may result from such removal before regaining possession of the vehicle.

<b>Name of Street</b>	<b>Sides</b>	<b>Location</b>
Academy Street	Both	From Bank Street to Mercer Street
Bank Street Both		From North Main Street to Academy Street
Church Street	Both	From Rogers Avenue to Stockton Street
Clinton Street	Both	From Cole Avenue to Maxwell Avenue
Cole Avenue Both		From Franklin Street to Clinton Street
East Ward Street	Both	From Maxwell Avenue to South Main Street
First Avenue Both		From Summit Street to Outcalt Street
Forman Street	Both	Entire Length
Harron Avenue	Both	From Morrison Avenue to Stockton Street
Joseph Street Both		Second Avenue to Stockton Street

Morrison Avenue	Both	From Hausser Avenue to Academy Street
Oak Lane	Both	From Stockton Street to Lincoln Avenue
Outcalt Street	Both	From Morrison Avenue to Rogers Avenue
Purdy Street	Both	Entire Length
Reed Street	Both	Mechanic Street to Rev. William L. Powell Drive
Rogers Avenue	Both	From Stockton Street to Mercer Street
Second Avenue	Both	From Joseph Street to Outcalt Street
South Street	Both	From South Main Street to Mercer Street
Summit Street	Both	From Stockton Street to Mercer Street
Ward Street	Both	From Mercer Street to South Main Street
Westerlea Avenue	Both	From Leshin Lane to Grape Run Road
William Street	Both	From North Main Street to Cranbury Station Road

Section 2. Severability. If any sentence, paragraph or section of this Ordinance, or the application thereof to any persons or circumstances shall be adjudged by a court of competent jurisdiction to be invalid, or if by legislative action any sentence, paragraph or section of this Ordinance shall lose its force and effect, such judgment or action shall not affect, impair or void the remainder of this Ordinance.

Section 3. Effective Date. This Ordinance shall become effective immediately upon final passage and publication in accordance with the law.

Section 4. Repealer. All other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

Mayor Quattrone asked that Council wait until a resident is done asking their questions before answering them; in this way there is not a conversation going on in the middle of the public hearing. The resident can inquire and the Council can answer their questions all at once.

**Ordinance 2016-08 Final Reading and Public Hearing** – A Bond Ordinance Providing for Various Capital Improvements in and by the Borough of Hightstown, in the County of Mercer County, New Jersey, Appropriating \$140,000 Therefor and Authorizing the Issuance of \$75,800 Bonds or Notes of the Borough to Finance Part of the Cost Thereof

Mayor Quattrone opened the public hearing on ordinance 2016-08 and the following individuals spoke:

Doug Mair, 536 S. Main Street – inquired about the age, usage and condition of the police vehicles; inquired about the radio equipment and E-Ticket; advised that he is using Council’s rules to make them sit here all night by asking a bunch of questions.

Scott Caster, 12 Clover Lane – commented that there has been a long history of Council answering the questions of the public when asked, but in the past it did not cause public debate with the residents; noted that he supports this ordinance and inquired as to why the Borough is buying dispatch equipment.

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

Henry Underhill reviewed the previous discussions regarding the purchase of the vehicles and Councilmember Kurs reviewed the E-Ticket system. It was also noted that the radios have nothing to do with dispatch, they are handheld and vehicle radios.

Councilmember Kurs moved ordinance 2016-08 for adoption, Councilmember Stults seconded.

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

Ordinance adopted 5-0.

ORDINANCE 2016-08

*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 \$140,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$75,800 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 \$140,000, and further including the aggregate sum of \$64,200 as the several down payments for the improvements or purposes, which in fact exceeds the amount required by the Local Bond Law, \$34,200 of which is from the Capital Improvement Fund and \$30,000 of which is from the Capital Surplus Fund. 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 \$75,800 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 &amp; Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds &amp; Notes</u>	<u>Period of Usefulness</u>
a) Acquisition of interceptor utility	\$94,000	\$32,000	5 years

vehicles for the Police Department, including all related costs and expenditures incidental thereto.				
b) Acquisition of E-ticket equipment, dispatch equipment and radio equipment for the Police Department, including all related costs and expenditures incidental thereto.	<u>\$46,000</u>		<u>\$43,800</u>	10 years
TOTAL:	<u>\$140,000</u>		<u>\$75,800</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 7.88 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 \$75,800, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$10,000 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 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.

**Ordinance 2016-09 First Reading and Introduction** – Establishing the Salary Range for Police Chief in the Borough of Hightstown

Councilmember Kurs moved ordinance 2016-09 for introduction, Councilmember Stults seconded.

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

Ordinance introduced 5-0, public hearing to be held on March 21, 2016.

ORDINANCE 2016-09  
*BOROUGH OF HIGHTSTOWN*  
*COUNTY OF MERCER*  
*STATE OF NEW JERSEY*

**ESTABLISHING THE SALARY RANGE FOR POLICE CHIEF OF THE BOROUGH OF  
HIGHTSTOWN**

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

**Section 1.** The following rate of compensation for Police Chief of the Borough of Hightstown, excluding longevity, whose compensation shall be on an annual basis, is:

	<b>RANGING FROM:</b>	<b>TO:</b>
Police Chief	\$115,000.00	\$135,000.00

**Section 3.** This Ordinance shall take effect after final passage and publication as provided by law.

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

**RESOLUTIONS**

**Resolution 2016-56 Authorizing the Payment of Bills**

Councilmember Stults requested that item #G0171 be pulled and voted on separately.

Councilmember Kurs moved resolution 2016-56 without item #G0171, Councilmember Montferrat seconded.

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

Councilmember Kurs moved item #G0171 for payment, Councilmember Bluth seconded.

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

Resolution adopted 4-0, with one abstention.

Resolution 2016-56

*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 \$ 573,660.59 from the following accounts:

C urrent		\$ 144,456.01
W/S O perating		209,860.58
G eneral C apital		14,327.97
W ater/S ewer C apital		0.00
G rant		450.00
T rust		194,713.78
H ousing T rust		8,971.25
A nimal C ontrol		279.00
L aw E nforcement T rust		0.00
H ousing R ehab L oans		0.00
U nemployment T rust		0.00
E scrow		<u>602.00</u>
T otal		<u>\$ 573,660.59</u>

**Resolution 2016-57 Adopting the Borough of Hightstown Federal Aid Program Projects Policies and Procedures Handbook**

Councilmember Montferrat moved resolution 2016-57, Councilmember Kurs seconded.

Mr. Underhill explained that this handbook must be adopted so that the Borough can receive and use federal grant funds.

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

Resolution adopted 5-0.

Resolution 2016-57

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

**ADOPTING THE BOROUGH OF HIGHTSTOWN FEDERAL AID PROGRAM  
PROJECTS POLICIES AND PROCEDURES HANDBOOK**

**WHEREAS**, the Federal Highway Administration (FHWA) provides opportunities for Local Public Agencies (LPA), such as Hightstown Borough, to receive Federal Aid Highway Program (federal-aid) funds through New Jersey Department of Transportation (NJDOT) and North Jersey Transportation Planning Authority (NJTPA); and

**WHEREAS**, Local Public Agencies receiving federal-aid funds are responsible for administering their projects and meeting all federal-aid requirements; and

**WHEREAS**, The NJDOT, through its Stewardship Agreement with FHWA, is responsible for ensuring that each LPA receiving FHWA funds is adequately staffed and suitably equipped to undertake the federal-aid projects; to provide the supervision and inspection required to complete each project in conformance with the approved Scope of Work (SOW), plans and specifications; and to ensure that federal requirements are met; and

**WHEREAS**, these requirements are set forth in Title 23 United States Codes (U.S.C.) - Highways; Brooks Act, Title 40 U.S.C. - Public Buildings, Property and Works; Title 23 Code of Federal Regulations (CFR) - Highways; Title 48 CFR - Federal Acquisition Regulation; and Title 49 CFR 18 - the Common Grant Rule; and

**WHEREAS**, The NJDOT, in order to make eligibility determination, assesses each LPA's policies, procedures, organizational structure, and internal controls prior to the authorization of federal-aid funds; and

**WHEREAS**, Hightstown Borough has completed and submitted NJDOT's Division of Local Aid's Federal Aid Highway Program Administrative Questionnaire; and

**WHEREAS**, The Federal Aid Program Projects Policies and Procedures Handbook outlines the policies and procedures followed by the Borough of Hightstown for projects funded in whole or in part with federal-aid funds and is intended to address and satisfy the Project Management Eligibility requirements for Locally Administered Federal Aid Highway Projects; and

**WHEREAS**, The Federal Aid Program Projects Policies and Procedures Handbook also includes an organization chart for the Project.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the Hightstown Borough Federal Aid Program Projects Policies and Procedures Handbook is hereby adopted as set forth herein.

**Resolution 2016-58 Amending Resolution 2016-29 and Authorizing Additional Professional Services of Otteau Group, Inc.**

Councilmember Misiura moved resolution 2016-58, Councilmember Montferrat seconded.

Mr. Underhill explained that this resolution is to allow Otteau Group to assist in the negotiations with the redeveloper of the Rug Mill Property.

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

Resolution adopted 5-0.

Resolution 2016-58

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

**AMENDING RESOLUTION 2016-29 AND AUTHORIZING ADDITIONAL PROFESSIONAL SERVICES OF OTTEAU GROUP, INC.**

**WHEREAS**, there is a need for the Borough of Hightstown to retain additional services of a professional real estate valuation consultant to assist in the negotiations of a developer's agreement with R. Black Global and its subsidiary Milprop Hightstown, L.P. regarding the property known as Tax Block 30, Lots 1-7, Tax Block 30, Lots 10-13 and Tax Block 21, Lots 1-5 on the tax map of the Borough and also known as the Mills at Hightstown (the "**Redevelopment Area**") on the Official Tax Map of the Borough; and

**WHEREAS**, the firm of Otteau Group, Inc. (also referenced as the "professional") has submitted a proposal to the Borough, dated February 19, 2016, to provide said services; and

**WHEREAS**, resolution 2016-29 authorized an agreement with Otteau Group, Inc. to perform a professional real estate valuation in an amount not to exceed \$4,500; and

**WHEREAS**, it is necessary to amend resolution 2016-29 to include the additional services required for contract negotiations and to increase the not to exceed amount to \$9,000.00; and

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

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

**WHEREAS**, the Borough has determined that the amount of the contract shall not exceed \$17,500.00, and therefore the contract is not subject to the provisions of the State’s Local Unit Pay-to-Play Law, N.J.S.A. 19:44A-20.4, et seq. (the “Pay-to-Play law”); and

**WHEREAS**, the Borough Council, having considered the same, now wishes to authorize the awarding of this professional service contract to Otteau Group, Inc., for provision of the necessary real estate valuation services.

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

1. That the Administrator is hereby authorized to execute an Agreement between the Borough of Hightstown and Otteau Group, Inc., regarding the above-referenced additional professional services.
2. That resolution 2016-29 is hereby amended to add the additional services noted herein and increase the not to exceed amount to \$9,000.00.
3. That this contract is awarded without competitive bidding as a “professional service” in accordance with N.J.S.A. 40A:11-5 of the Local Public Contracts Law of New Jersey, because the services will be performed by persons authorized by law to practice a recognized profession and it is not possible to obtain bids for such needed qualitative services.
4. That notice of the adoption of this Resolution shall be published in a newspaper of general circulation within the Borough.
5. That a certified copy of this Resolution shall be provided to each of the following:
  - (a) Otteau Group, Inc.
  - (b) Debra L. Sopronyi, Qualified Purchasing Agent/Borough Clerk
  - (c) George Lang, Borough Chief Financial Officer
  - (d) Frederick C. Raffetto, Esq., Borough Attorney

**Resolution 2016-59 Awarding a Contract for Engineering Inspection Services for the Rehabilitation of Detention Tanks Project for the Water Plant**

Councilmember Misiura moved resolution 2016-59, Councilmember Montferrat seconded.

Mayor Quattrone noted that the name settling tanks has been revised to be detention tanks at the request of NJEIT. Mr. Underhill noted that the pool of Engineers provided proposals for this project.

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

Resolution adopted 5-0.

Resolution 2016-59

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

**AWARDING A CONTRACT FOR ENGINEERING INSPECTION SERVICES FOR  
THE REHABILITATION OF DETENTION TANKS PROJECT FOR THE WATER  
PLANT**

**WHEREAS**, Hightstown Borough solicited proposals from the Engineering Pool for engineering inspection services and recommendations for payment to the contractor for the Rehabilitation of Detention Tank at the Water Treatment Plant; and

**WHEREAS**, the proposal submitted by Carmela Roberts of Roberts Engineering Group LLC of Hamilton, New Jersey was the lowest proposal received at a cost not to exceed \$8,000.00; and

**WHEREAS**, this project is funded by the New Jersey Environmental Infrastructure Trust; and

**WHEREAS**, the Borough Administrator and Purchasing Agent have reviewed the proposal and recommend that the contract for the engineering inspection and recommendations for payment to the contractor for the Rehabilitation of Detention Tank at the Water Treatment Plant be made to Roberts Engineering Group LLC; and

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the contract for engineering inspection and recommendations for payment to the contractor for the Rehabilitation of Detention Tanks at the Water Treatment Plant, be awarded to Roberts Engineering Group LLC of Hamilton, New Jersey for an amount not to exceed \$8,000.00.

**CONSENT AGENDA**

**Consent Agenda – Resolutions 2016-60, 2015-61, 2016-62, 2016-63, 2016-64, 2016-66, 2016-67, 2016-68, 2016-69, 2016-70, 2016-71, 2016-72 and 2016-73**

Councilmember Montferrat moved Resolutions 2016-60, 2015-61, 2016-62, 2016-63, 2016-64, 2016-66, 2016-67, 2016-68, 2016-69, 2016-70, 2016-71, 2016-72 and 2016-73 as the consent agenda; Councilmember Stults seconded.

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

Resolutions adopted 5-0.

Resolution 2016-60

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

**ACCEPTING MEMBERSHIP OF MATTHEW C. LAWSON IN  
HIGHTSTOWN ENGINE CO. NO. 1**

**WHEREAS**, Matthew C. Lawson of Roosevelt, New Jersey has applied for membership in Hightstown Engine Company No. 1; and

**WHEREAS** Mr. Lawson has undergone and passed the required physical examination, and his membership application has been reviewed and approved by Fire Chief Scott Jenkins;

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

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

Resolution 2016-61

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

**ACCEPTING MEMBERSHIP OF MILTON MATAMOROS IN  
HIGHTSTOWN ENGINE CO. NO. 1**

**WHEREAS**, Milton Matamoros of Hightstown, New Jersey has applied for membership in Hightstown Engine Company No. 1; and

**WHEREAS** Mr. Matamoros has undergone and passed the required physical examination, and his membership application has been reviewed and approved by Fire Chief Scott Jenkins;

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

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

Resolution 2016-62

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

**ACCEPTING MEMBERSHIP OF CHARLES CARR IN  
HIGHTSTOWN ENGINE CO. NO. 1**

**WHEREAS**, Charles Carr of Hightstown, New Jersey has applied for membership in Hightstown Engine Company No. 1; and

**WHEREAS** Mr. Carr has undergone and passed the required physical examination, and his membership application has been reviewed and approved by Fire Chief Scott Jenkins;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that

March 7, 2016

the membership of Charles Carr in Hightstown Engine Company No. 1 is hereby accepted.

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

Resolution 2016-63

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

**ACCEPTING MEMBERSHIP OF THOMAS C. DISTELCAMP, JR. IN  
HIGHTSTOWN ENGINE CO. NO. 1**

**WHEREAS**, Thomas C. Distelcamp, Jr. of Hightstown, New Jersey has applied for membership in Hightstown Engine Company No. 1; and

**WHEREAS** Mr. Distelcamp has undergone and passed the required physical examination, and his membership application has been reviewed and approved by Fire Chief Scott Jenkins;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the membership of Thomas C. Distelcamp, Jr. in Hightstown Engine Company No. 1 is hereby accepted.

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

Resolution 2016-64

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

**ACCEPTING MEMBERSHIP OF ROMAS MASTALSKI IN  
HIGHTSTOWN ENGINE CO. NO. 1**

**WHEREAS**, Romas Mastalski of Monroe, New Jersey has applied for membership in Hightstown Engine Company No. 1; and

**WHEREAS** Mr. Mastalski has undergone and passed the required physical examination, and his membership application has been reviewed and approved by Fire Chief Scott Jenkins;

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

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

Resolution 2016-66

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

**AMENDING RESOLUTION 2016-02**

**WHEREAS**, resolution 2016-02 made and confirmed Borough Official appointments for 2016; and

**WHEREAS**, there was an error in the Municipal Court appointments requiring the following corrections be made to resolution:

Robert Yostembski	<u>Prosecutor</u> 1 yr.	December 31, 2016
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Richard Kelly	<u>Public Defender</u> 1 yr.	December 31, 2016
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**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council of Hightstown Borough that above appointments in resolution 2016-02 are hereby amended to read as noted herein.

Resolution 2016-67

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

**AUTHORIZING RECEIPT OF BIDS FOR ZETA LYTE 1A ANIONIC POLYELECTROLYTE**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the Borough Engineer is hereby authorized to prepare specifications and advertise for bids for Zeta Lyte 1A Anionic Polyelectrolyte for the Water and Waste Water Treatment Plants, and that the Borough is authorized to receive same after proper advertisement.

Resolution 2016-68

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

**RENEWING A CONTRACT FOR CURBSIDE RECYCLING COLLECTION –  
WASTE MANAGEMENT OF NEW JERSEY, INC.**

**WHEREAS**, Resolution 2012-35 awarded a contract for Curbside Recycling Collection to Waste Management of New Jersey, Inc. of Ewing, New Jersey; and,

**WHEREAS**, pursuant to N.J.S. A. 40A:11 – 15 (3) the bid was for a period of five (5) years, said contract being awarded for a period of one (1) year with the Borough reserving the right to renew at the end of each one-year contract period for a total aggregate contract period of five (5) years; and,

**WHEREAS**, the cost for this contract for year five is \$32,016.00 with the monthly cost per unit for added units to be at the rate of \$2.00 throughout the period.

**WHEREAS**, the Purchasing Agent and Public Works Superintendent have reviewed the services provided and recommend that the contract be renewed for an additional one year period; and,

**WHEREAS**, funds for this expenditure will be made available in the 2016 and 2017 budgets.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the contract for Curbside Recycling Collection in Hightstown Borough is hereby renewed with Waste Management of New Jersey, Inc. of Ewing, New Jersey for a one year period in the amount of \$32,016.00 for a total aggregate contract period of five (5) years.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that a one-year contract for Curbside Recycling Collection Service in Hightstown Borough is hereby renewed with Waste Management of New Jersey, Inc. of Ewing, New Jersey in the amount of \$32,016.00.

Resolution 2016-69

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

**AUTHORIZING REFUND OF TAX OVERPAYMENT**

**WHEREAS**, an overpayment of 2016 taxes was made for Block 26, Lot 1.01, 130 Monmouth Street, in the amount of \$665.44 due to an overpayment made by the mortgage company; and

**WHEREAS**, the payer, National Link, 300 Corporate Center Drive, Suite 300, Moon Township, Pennsylvania, 15108 has requested that a refund be issued for the overpayment in the amount of \$665.44; and

**WHEREAS**, the Tax Collector has requested that said overpayment be refunded in the amount of \$665.44.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the Tax Collector and CFO are hereby authorized to issue a refund in the amount of \$665.44 to National Link, 300 Corporate Center Drive, Suite 300, Moon Township, Pennsylvania, 15108, representing the tax overpayment as set forth herein.

Resolution 2016-70

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

**APPOINTING AND AUTHORIZING AN AGREEMENT FOR PROFESSIONAL  
BOND COUNSEL SERVICES – EDWARD J. MCMANIMON III, ESQ.**

**WHEREAS**, there exists the need for professional bond counsel services for 2016; and

**WHEREAS**, the Borough Council wishes to appoint Edward J. McManimon III, Esq. of the firm McManimon, Scotland & Baumann, LLC of Roseland, New Jersey as Bond Counsel effective January 1, 2016; and

**WHEREAS**, the cost for the proposed services shall not exceed \$7,500.00 without further approval by the Borough Council; and,

**WHEREAS**, funds for this purpose will be made available in the 2016 budget; and,

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

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

**WHEREAS**, the anticipated term of this contract is for one (1) year, and it may only be renewed upon further action of the Borough Council; and

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

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

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

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

Resolution 2016-71

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

**APPOINTING AND AUTHORIZING AN AGREEMENT FOR PROFESSIONAL  
AUDITOR SERVICES – WILLIAM E. ANTONIDES, JR.**

**WHEREAS**, there exists the need for professional auditor services for 2016; and

**WHEREAS**, the Borough Council wishes to appoint William E. Antonides, Jr. of the firm William E. Antonides & Company of Wall, New Jersey as Borough Auditor effective January 1, 2016; and

**WHEREAS**, the cost for the proposed services shall not exceed \$28,000.00 without further approval by the Borough Council; and,

**WHEREAS**, funds for this purpose will be made available in the 2016 budget; and,

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

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

**WHEREAS**, the anticipated term of this contract is for one (1) year, and it may only be renewed upon further action of the Borough Council; and

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

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

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

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

Resolution 2016-72

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

**AUTHORIZING THE MAYOR AND CLERK TO SIGN CANCELLATION OF TAX  
LIEN FOR BLOCK 11, LOT 19.01**

**WHEREAS**, on December 04, 2014 Borough of Hightstown acquired a tax lien at a sale held by Angela LoConte, Collector of Taxes, Hightstown Borough for certain property described as Block 11 Lot 19.01 on the Hightstown Borough Tax Map, and,

**WHEREAS**, the Tax Sale Certificate issued was recorded on December 11, 2014 in the office of the Mercer County Clerk in Mortgage Book 11101 OR, Page 1383-1385, and

**WHEREAS**, this tax sale certificate issued has been satisfied by payment in full and the Tax Collector does so certify.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of Hightstown Borough that the Mayor and Clerk be and are hereby authorized to sign the tax sale certificate for the property known as Block 11, Lot 19.01 on the Hightstown Borough tax map.

Resolution 2016-73

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

**APPOINTING A CLASS II SPECIAL OFFICER – DONALD JOSEPH ALA**

**WHEREAS**, the Mayor and Borough Council recognize that there is a need to hire a Class II Special Officer to assist the Police Department with various duties in accordance with the provisions of N.J.S.A. 40A:14-146.8 et. seq.; and,

**WHEREAS**, Lt. Frank Gendron has recommended that Donald Joseph Ala of Spotswood, New Jersey be appointed as a Class II Special Officer for the Borough of Hightstown Police Department; and,

**WHEREAS**, Donald Joseph Ala has completed and passed the required physical and psychological evaluations and background investigation; and

**WHEREAS**, Donald Joseph Ala is qualified to serve as a Class II Special Officer and to carry out all of the duties of a Class II Special Officer; as well, if qualified, carry a Borough issued firearm only during his hours of work for the Borough Police Department; and,

**WHEREAS**, Donald Joseph Ala shall not be eligible to receive pay and/or time off for any leave (vacation, holiday, sick leave, personal days, etc), shall not be eligible for overtime and shall not be eligible for health benefits from the Borough of Hightstown.

**WHEREAS**, the Borough Council finds it in the best interest of the health, safety and welfare of the residents to appoint Donald Joseph Ala as a Class II Special Officer.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Hightstown that Donald Joseph Ala is hereby appointed as a Class II Special Officer to assist the Hightstown Police Department, effective March 7, 2016, for the remainder of calendar year 2016.

**BE IT FURTHER RESOLVED** that Donald Joseph Ala shall not be eligible for the following: (1) pay and/or time off for any leave (vacation, holiday, sick leave, personal days, etc); (2) overtime (whether in pay and/or compensatory time off); and, (3) health/insurance benefits of any kind from the Borough of Hightstown.

**Resolution 2016-65 Authorizing a Bond Reduction for Block 53, Lot 1.02 South Main Street – Peddie School Faculty and Student Housing**

Councilmember Bluth moved resolution 2016-65, Councilmember Montferrat seconded.

There was discussion regarding the bond being an all cash deposit.

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

Resolution adopted as amended 5-0.

March 7, 2016

Resolution 2016-65

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

**AUTHORIZING A BOND REDUCTION FOR BLOCK 53, LOT 1.02 SOUTH MAIN  
STREET – PEDDIE SCHOOL FACULTY AND STUDENT HOUSING**

**WHEREAS**, on June 4, 2015 Peddie School deposited a cash performance guarantee in the amount of \$1,176,289.07 for the project known as the Peddie School Faculty and Student Housing project; and

**WHEREAS**, on January 19, 2016 Peddie School requested a reduction in the performance guarantee associated with the work completed on the project; and

**WHEREAS**, the Borough Engineer has inspected the project site to confirm the work completed and update the performance bond to reflect all uncompleted work; and

**WHEREAS**, the Borough Engineer recommends a performance bond reduction to reflect the amount of \$448,245.53 to be retained as the performance bond.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the CFO is hereby authorized to issue a refund in the amount of 728,043.54 to the Peddie School, reducing the performance bond amount to \$448,245.53 as set forth herein.

**DISCUSSION ITEMS**

Enchantment Age Restriction Ordinance

Borough Attorney Raffetto reviewed the request from Enchantment and the provisions of the ordinance, noting that at least 80% of the development must remain a 55+ community; this should go to the Planning Board before Council introduces the ordinance so they can comment and make a recommendation, Council can introduce at a later date.

There was discussion regarding language changes in the ordinance. The Borough Attorney noted that owners within the community expect a majority of the owners to be 55+. The Borough Council directed that the ordinance be sent to the Planning Board for review, comment and recommendations.

Location of Borough Council Meetings

The Borough Clerk advised that she has confirmed the availability of the Firehouse hall for use of the Borough Council for the Governing Body meetings. There was discussion regarding notifying the public of the change in location. The Borough Council directed that a resolution changing the meeting location be placed on the next agenda.

**PUBLIC COMMENT PERIOD II**

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

Lynne Woods, 315 Park Avenue – stated that she appreciates Councilmember Stults; Councilmember Montferrat used the phrase “let me tell you a secret”, but there should be no secrets, you should talk about whatever it is. She then inquired about the dispatch equipment that is being purchased.

Doug Mair, 536 S. Main Street – commented that sidewalks are needed on the east side of South Main Street for the students walking to school. He then presented pictures and a map of sidewalks that need repair and the locations that need sidewalks on South Main Street.

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

### **SUB COMMITTEE REPORTS**

Mr. Underhill advised that the new ambulance has been delivered; the fireman are going to Florida to check the new fire truck; Rehabco has been hired to administer the Small Cities Grant; it is hoped that discussion with the developer will begin soon; we have done a dispatch agreement with East Windsor and the contract for the third party provider is on East Windsor’s agenda for tomorrow night; we are getting ready to bid the UV for the AWWTP; the greenway walking bridge paperwork is being sent to DOT for approval.

### **MAYOR/COUNCIL/ADMINISTRATIVE REPORTS**

#### **Councilmember Bluth**

Noted that the Cultural Arts Commission and Parks & Recreation Commission are planning a joint project; Parks and Recreation will hold their planning meeting for 2016 on March 26<sup>th</sup>; Stacey Judge received an award from the County.

#### **Councilmember Montferrat**

Noted that the Latino Festival is discussing dates; the Board of Health will meet on Wednesday; the Sleeper Stones on Rogers Avenue are being proposed for Historic Places and it is before the Board at DEP this week.

#### **Councilmember Misiura**

Advised that the Planning Board meets next Monday, the Fire Department will meet this Thursday; commented that the firehouse was built in the 1920’s and is not adequate for the fire department nor does it meet new codes, it is presently grandfathered; there are German exchange students in town and they will be touring Hightstown.

#### **Councilmember Stults**

Noted that Downtown Hightstown discussed new businesses coming to town and they are promoting the town. Volunteers are needed for Downtown Hightstown; flower baskets are available; parking issues and enforcement is going to be addressed with the business owners.

#### **Councilmember Kurs**

Advised that the Animal Welfare Committee donated a microchip reader to the police department; he reviewed the monthly police report; the new ambulance has been received; we approved five new fire department members tonight; Project Reassurance has been posted on the Borough website and the residents are signing up and appreciative.

#### **Administrator Underhill**

Advised that sidewalks are being addressed throughout the Borough as grant funds become available; an assessment for the neighborhood is always an option if they want sidewalks. Councilmember Misiura noted that the Planning Board does variance conditions and the Borough does a great job with improvements.

#### **Mayor Quattrone**

Advised that it has been a busy couple weeks; he hopes that the parking meeting with the business owners leads to more meetings with them; commented that the snow removal parking ordinance will be worked on, he does not want anyone to walk but public safety is of utmost importance and must come first; we hired a new Class II Officer tonight.

**ADJOURNMENT**

Councilmember Kurs moved to adjourn at 10:50 p.m. Councilmember Stults seconded. All ayes.

Respectfully Submitted,

Debra L. Sopronyi, RMC  
Borough Clerk