

Resolution 2014-226

*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 November 17, 2014 at 6:00p.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:

Personnel – Professional Services
Police
Contract Negotiations – Shared Services (Various)
Litigation - Marchione

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: February 17, 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.

CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on November 17, 2014.

Debra L. Sopronyi
Borough Clerk

Resolution 2014-227

*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 \$104,898.65 from the following accounts:

Current	\$44,611.23
W/S Operating	47,052.78
General Capital	5,320.00
Water/Sewer Capital	0.00
Grant	1,961.55
Trust	4,607.99
Housing Trust	0.00
Animal Control	13.20
Law Enforcement Trust	0.00
Housing Rehab Loans	0.00
Unemployment Trust	230.40
Escrow	<u>1,101.50</u>
Total	<u><u>\$104,898.65</u></u>

CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on November 17, 2014.

Debra L. Sopronyi
Borough Clerk

Resolution 2014-228

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

AUTHORIZING THE ISSUANCE OF AN AUCTION LICENSE – EMPIRE ANTIQUES

WHEREAS, an application for a license to hold an auction on Saturday, December 6, 2014 at 278 Monmouth Street in the Borough of Hightstown has been submitted by Empire Antiques, together with the required fee; and

WHEREAS, the application has been reviewed and approved by the Police Department; and

WHEREAS, it is the desire of the Mayor and Council that a license be issued to Empire Antiques for this event.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Borough Clerk is hereby authorized to issue a license to Empire Antiques for their auction to be held on Saturday, December 6, 2014 at 278 Monmouth Street.

CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on November 17, 2014.

Debra L. Sopronyi
Borough Clerk

Resolution 2014-229

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

REQUESTING APPROVAL FOR INSERTION OF A SPECIAL ITEM OF REVENUE IN THE 2014 BUDGET

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for equal amount;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Hightstown hereby request the Director of the Division of Local Government Services to approve the insertion of a special item of revenue and equal appropriation in the budget of the Borough of Hightstown for the year 2014 as follows:

Source	Amount	Revenue Title	Appropriation Title
NJ Division of Criminal Justice	\$1,596.57	Body Armor Replacement Fund Program	Body Armor Replacement Fund Program

CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on November 17, 2014.

Debra L. Sopronyi
Borough Clerk

Resolution 2014-230

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

AUTHORIZING THE PURCHASE OF ELECTRICITY SUPPLY SERVICES FOR PUBLIC USE ON AN ONLINE AUCTION WEBSITE

WHEREAS, the Borough of Hightstown has determined it advantageous to procure electricity for the Borough of Hightstown with the EMEX Reverse Auction; and

WHEREAS, the Local Unit Technology Pilot Program and Study Act (P.L. 2001, c. 30) (the "Act") authorizes the purchase of electricity supply service for public use through the use of an online auction service; and

WHEREAS, the Borough of Hightstown will utilize the online auction services of EMEX, LLC, an approved vendor pursuant to the Act, waiver number EMEX LLC-1, located at www.energymarketexchange.com and EMEX, LLC is compensated for all services rendered through the participating supplier that a contract is awarded to; and

WHEREAS, the auction will be conducted pursuant to the Act on November 25, 2014.

NOW THEREFORE, BE IT FURTHER RESOLVED, the Borough shall utilize the online auction services of EMEX, LLC, as referenced above, and that EMEX, LLC shall be compensated for all services rendered through the participating supplier to which a contract is awarded, rather than by the Borough's taxpayers.

BE IT FURTHER RESOLVED, the Borough may award a contract to the winning supplier for the selected term, which determination shall be made by further action of the Governing Body.

BE IT FURTHER RESOLVED, that all relevant Borough officials and employees are hereby authorized and directed to take all appropriate actions in furtherance of the intentions of the within Resolution.

BE IT FURTHER RESOLVED, that a certified copy of the within Resolution shall be forwarded by the Borough Clerk to the following:

1. EMEX, LLC
2. New Jersey Department of Community Affairs
3. Frederick Raffetto, Borough Attorney
4. Henry Underhill, Borough Administrator

CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on November 17, 2014.

Debra L. Sopronyi
Borough Clerk

Resolution 2014-231

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

AUTHORIZING THE EXECUTION OF A SETTLEMENT AGREEMENT WITH ENCHANTMENT AT HIGHTSTOWN, LLC AND WESTCHESTER FIRE INSURANCE COMPANY

WHEREAS, on or about November 1, 2004, Enchantment at Hightstown (“Enchantment”) and the Borough of Hightstown (the “Borough”) entered into a Developer’s Construction Agreement whereby Enchantment agreed to, among other things, complete certain improvements in connection with the construction of a development (the “Development”) located in the Borough of Hightstown, Mercer County, New Jersey, and commonly referred to as “Enchantment at Hightstown” (the “Development Agreement”); and

WHEREAS, on or about November 22, 2004, Westchester Fire Insurance Company (“WFIC”), as surety, on behalf of Enchantment, as principal, issued a performance bond bearing bond number K06685882, in the penal sum of \$3,307,134.00, in favor of the Borough, as obligee, in connection with the Development (the “Bond”); and

WHEREAS, in connection with the Development Agreement, Enchantment posted a cash bond in favor of the Borough in the amount of \$367,459.32 (the “Cash Bond”); and

WHEREAS, by Resolution 2007-23, the penal sum of the Bond was reduced to \$955,696.86, and a portion of the Cash Bond was returned to Enchantment thereby reducing the Cash Bond to the sum of \$106,188.54; and

WHEREAS, by Resolution 2012-190, the Borough, among other things, declared Enchantment to be in default of its obligations arising under the Development Agreement, and directed the Borough Attorney to take all appropriate actions to enable the Borough to complete the outstanding improvements at the Development; and

WHEREAS, by letter dated September 12, 2012, together with subsequent correspondence from the Borough, the Borough asserted a claim against the Bond alleging, among other things, that Enchantment failed to complete all of the required improvements at the Development (the “Claim”); and

WHEREAS, Westchester undertook an investigation of the Claim, which included, among other things, various meetings and site visits among representatives of Westchester, the Borough, Enchantment and Robertson Douglas Group, Inc., among others, regarding the scope of, and the cost-to-complete, the alleged outstanding improvements at the Development; and

WHEREAS, the current balance of the Cash Bond being held by the Borough is \$89,111.00; and

WHEREAS, the parties have reached an amicable resolution of this matter which is set forth in more detail in the attached Settlement Agreement; and

WHEREAS, the Borough believes that it is in the best interests of the Borough to resolve this matter in accordance with the terms and conditions set forth in the attached Settlement Agreement.

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

1. That the settlement of this matter in accordance with the terms and conditions set forth in the attached Settlement Agreement is hereby approved.
2. That the Borough Administrator is hereby authorized to execute, and the Municipal Clerk to attest, the attached Settlement Agreement on behalf of the Borough.
3. That all relevant officials are hereby authorized and directed to undertake any actions necessary to effectuate and implement the said Agreement.
4. That a certified copy of this Resolution shall be provided to each of the following:
 - a. Enchantment at Hightstown, LLC;
 - b. Westchester Fire Insurance Company;
 - c. Henry Underhill, Hightstown Borough Administrator;
 - d. George Lang, Hightstown Borough Chief Financial Officer;
 - e. Carmela Roberts, P.E., Hightstown Borough Engineer; and
 - f. Frederick C. Raffetto, Esq., Hightstown Borough Attorney.

CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on November 17 , 2014.

Debra L. Sopronyi
Borough Clerk

Resolution 2014-232

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

**DESIGNATING LT. FRANK GENDRON TO SERVE AS THE
SUPERVISORY OFFICER IN CHARGE OF THE
HIGHTSTOWN BOROUGH POLICE DEPARTMENT
UNTIL FURTHER ACTION OF THE BOROUGH COUNCIL**

WHEREAS, the Hightstown Borough Council has previously established a Police Department pursuant to N.J.S.A. 40A:14-118, as an executive and enforcement function of municipal government; and

WHEREAS, the applicable Ordinances relating to the Police Department may be found in Section 2-19 of the Hightstown Borough Code; and

WHEREAS, Section 2-19.4 of the Borough Code prescribes that the management and day-to-day operations of the Police Department shall be overseen by a Police Director, who shall serve as Executive Head of the Police Department; and

WHEREAS, the former Police Director, James LeTellier, has resigned from his position as the Police Director for the Borough, effective as of November 3, 2014; and

WHEREAS, the Hightstown Borough Police Department must have an official designated to supervise the operation of the Police Department in the absence of a duly appointed Police Director; and

WHEREAS, the Hightstown Borough Council wishes to appoint and designate Lt. Frank Gendron to serve as the Supervisory Officer in Charge of the Borough's Police Department until further action of the Borough Council.

NOW, THEREFORE, BE IT RESOLVED, by the Hightstown Borough Council, that Lt. Frank Gendron is hereby appointed and designated to serve as the Supervisory Officer in Charge of the Hightstown Borough Police Department, with said appointment/designation to be retroactive to November 3, 2014, until further action of the Borough Council.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Lt. Frank Gendron;
- b. Henry Underhill, Hightstown Borough Administrator;
- c. George Lang, Hightstown Borough Chief Financial Officer;
- d. Frederick C. Raffetto, Esq., Hightstown Borough Attorney; and
- e. Elizabeth M. Garcia, Esq., Labor Counsel.

CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on November 17, 2014.

Debra L. Sopronyi
Borough Clerk