

Resolution 2015-156

BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY

AUTHORIZING THE BUDGET TO BE READ BY TITLE ONLY

WHEREAS, N.J.S.A. 40A:4-8, as amended by Chapter 259, P.L. 1995 provides that the budget be read by title only at the time of the public hearing if a resolution is passed by not less than a majority of the full governing body, providing that prior to the date of hearing a complete copy of the approved budget has been made available for public inspection in the free public library, if any, located within our municipality and a county library. If there is no county library located within the municipality, then it must be provided to any county library in the county wherein the municipality is located. Further, the public officer delegated the responsibility for delivery of the copies to said libraries has completed a certification forwarded to the governing body that such deliveries were made and copies have been made available by the Clerk to persons requiring them; and

WHEREAS, these two conditions have been met;

NOW, THEREFORE BE IT RESOLVED that the budget shall be read by title only.

ROLL CALL RECORDED VOTE:

	1st	2nd	Yes	No	Abstain
<i>Ms. Bluth</i>			X		
<i>Ms. Hansen</i>			X		
<i>Mr. Kurs</i>	X		X		
<i>Mr. Misiura</i>			X		
<i>Mr. Montferrat</i>			X		
<i>Mr. Stults</i>		X	X		

CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on June 15, 2015.

Debra L. Sopronyi
Borough Clerk

Resolution 2015-159

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

AUTHORIZING RECEIPT OF BIDS FOR COMPLETION OF THE ENCHANTMENT DEVELOPMENT

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 the completion of the Enchantment Development and that the Borough is authorized to receive same after proper advertisement.

CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on June 15, 2015.

Debra L. Sopronyi
Borough Clerk

Resolution 2015-160

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

AUTHORIZING RECEIPT OF BIDS FOR IMPROVEMENTS TO STOCKTON STREET AND JOSEPH STREET

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 improvements to Stockton Street and Joseph Street and that the Borough is authorized to receive same after proper advertisement.

CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on June 15, 2015.

Debra L. Sopronyi
Borough Clerk

Resolution 2015-161

*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 \$2,056,958.20 from the following accounts:

Current		\$1,902,985.24
W/S Operating		147,079.96
General Capital		0.00
Water/Sewer Capital		0.00
Grant		0.00
Trust		5,931.20
Housing Trust		287.50
Animal Control		74.30
Law Enforcement Trust		600.00
Housing Rehab Loans		0.00
Unemployment Trust		0.00
Escrow		<u>0.00</u>
Total		<u>\$2,056,958.20</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 June 15, 2015

Debra L. Sopronyi
Borough Clerk

Resolution 2015-162

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

AWARDING A CONTRACT FOR SOLID WASTE DUMPSTER SERVICE – REPUBLIC SERVICES OF NEW JERSEY, LLC

WHEREAS, four (4) bids were received on June 10, 2015 for Solid Waste Dumpster Service; and

WHEREAS, the bids have been reviewed by the Purchasing Agent and it is her recommendation that the contract for Solid Waste Dumpster Service in Hightstown Borough be awarded to Republic Services of New Jersey, LLC of 5 Industrial Drive, New Brunswick, NJ 08901 at the price of \$34,149.48 for year one, \$35,515.44 for year two, \$36,936.00 for year three, \$38,413.44 for year four and \$39,949.92 for year five for a total contract price of \$184,964.28; and

WHEREAS, pursuant to N.J.S.A. 40A:11-15(3) the bid was for a period of five years, said contract being awarded with the Borough retaining the right to cancel this contract on any year with ninety days written notice to the vendor; and

WHEREAS, the Borough Attorney has reviewed the lowest responsible bid and determined that the bid submitted by Republic Services of New Jersey, LLC is in order with respect to legal compliance; and

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

WHEREAS, funds for the continuation of this contract for the four (4) subsequent years shall be made available in the appropriate year's budget; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the contract for Solid Waste Dumpster Service is hereby awarded to Republic Services of New Jersey, LLC of 5 Industrial Drive, New Brunswick, NJ 08901 in the amount of \$34,149.48 for year one, \$35,515.44 for year two, \$36,936.00 for year three, \$38,413.44 for year four and \$39,949.92 for year five for a total contract price of \$184,964.28 effective July 1, 2015.

CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on June 15, 2015.

Debra L. Sopronyi
Borough Clerk

Resolution 2015-163

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

ISSUING A MORATORIUM ON THE ISSUANCE OF YEARLY A-FRAME SIGN PERMITS

WHEREAS, the Planning Board has requested that the Borough Council issue a moratorium on the issuance of A-Frame Sign permits and direct the Zoning Official to cease the issuance of said permits beginning July 1, 2015; and

WHEREAS, the Planning Board is concerned with the number of A-Frame Signs cluttering the Borough; and

WHEREAS, the Planning Board is investigating alternatives to the A-Frame Sign; and

WHEREAS, the Borough Council finds that issuing a directive to the Zoning Official to cease the issuance of the annual A-Frame Sign Permits will benefit the Borough; and

WHEREAS, the Borough Council also finds that issuing a moratorium on the issuance of annual A-Frame sign permits will improve the Borough's curb appeal and quality of life.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that a moratorium is in effect for the issuance of yearly A-Frame Sign permits effective July 1, 2015 and that the Zoning Official is hereby directed to cease issuing said permits effective July 1, 2015 and continuing until further notice.

CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on June 15, 2015.

Debra L. Sopronyi
Borough Clerk

Resolution 2015-164

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

AUTHORIZING AGREEMENT WITH TACORITO FOR USE OF PUBLIC RIGHT-OF-WAY

WHEREAS, TacoRito (referenced herein as the “Applicant”), having an address of 110 Main Street, Hightstown, New Jersey, is a tenant in the property known and designated as Block 33, lot 6 on the Hightstown Borough Tax Map (referenced herein as the “property”), which is adjacent to Main Street; and

WHEREAS, the Applicant conducts a restaurant at the property known as the “TacoRito”, and has requested permission to place tables and chairs outside of its business for the exclusive use of patrons of the TacoRito and to conduct normal business activities associated with the TacoRito within the said area; and

WHEREAS, the area adjacent to the property encompasses a certain right-of-way area owned by the State of New Jersey (referenced herein as the “State”); and

WHEREAS, the State, through the New Jersey Department of Transportation (referenced herein as the “D.O.T.”), has advised the Borough that there are no permits required from, nor is there any other formal process necessary through, the State in order for the Applicant to install the desired outdoor tables and chairs or to conduct normal business activities within the area in question, which encompasses part of the right-of-way area owned by the State; and

WHEREAS, rather, the State, through the D.O.T., has advised the Borough that such approval is a local matter to be handled by the Borough so long as the proposed outdoor tables, chairs and/or other equipment do not block and/or interfere with pedestrian traffic; and

WHEREAS, the Borough is willing to allow the Applicant to utilize the area in question upon the terms and conditions set forth in the Agreement.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Hightstown, that the Borough hereby permits the Applicant to utilize the area in question for the uses referenced above in consideration of the mutual promises and covenants set forth in the Agreement, and the Mayor and Borough Clerk are hereby authorized to execute said Agreement on behalf of the Borough.

CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on June 15, 2015.

Debra L. Sopronyi
Borough Clerk

Resolution 2015-165

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

AUTHORIZING RELEASE OF ESCROW FUNDS – HIGHTS REALTY, LLC (BLOCK 61.01, LOT 43)

WHEREAS, Hights Realty, LLC deposited escrow funds in the amount of \$2,000.00 for a project at Block 61.01, Lots 43; and

WHEREAS, Hights Realty, LLC has withdrawn its application for this project and has requested that the remaining escrow funds on deposit with the Borough for Block 61.01, Lots 43 be released; and

WHEREAS, the Professionals of the Borough have certified that all payments due them from this escrow account have been paid; and

WHEREAS, it is hereby recommended that the remaining escrow funds in this account be returned to Hights Realty, LLC.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Treasurer is authorized and directed to release the escrow funds on deposit with the Borough as referenced above to Hights Realty, LLC, 401 El. Linden Avenue, Linden, New Jersey 07036.

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

- a. Hights Realty, LLC
- b. Janice Mohr-Kminek, Treasurer
- c. Sandy Belan, Planning Board Secretary
- d. Carmela Roberts, Borough Engineer

CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on June 15, 2015.

Debra L. Sopronyi
Borough Clerk

Resolution 2015-166

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

RATIFYING THE MEMORANDUM OF AGREEMENT WITH THE HIGHTSTOWN MEMBERS OF LOCAL 32 OF THE OFFICE AND PROFESSIONAL EMPLOYEES INTERNATIONAL UNION AFL-CIO FOR THE YEARS 2015, 2016, 2017, AND 2018, AND AUTHORIZING THE EXECUTION OF A COLLECTIVE BARGAINING AGREEMENT RELATING THERETO

WHEREAS, the Borough of Hightstown and the Hightstown Members of Local 32 of the Office and Professional Employees International Union AFL-CIO have negotiated a Memorandum of Agreement for the years 2015, 2016, 2017, and 2018; and

WHEREAS, a copy of the Memorandum of Agreement is attached hereto and made a part hereof; and

WHEREAS, the Memorandum of Agreement has been reviewed by all parties and ratified by the Hightstown Members of Local 32 of the Office and Professional Employees International Union AFL-CIO; and

WHEREAS, it is the desire of the Mayor and Council that it be approved, ratified and executed by the appropriate representatives of the Borough; and

WHEREAS, it is also the desire of the Mayor and Council to authorize the appropriate Borough Officials to execute a new Collective Bargaining Agreement (“CBA”) with Hightstown Members of Local 32 of the Office and Professional Employees International Union AFL-CIO for the years 2015, 2016, 2017, and 2018, so long as the CBA includes all of the terms and conditions set forth in the attached Memorandum of Agreement and the CBA is satisfactory to the Borough’s Labor Counsel.

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

1. That the attached Memorandum of Agreement with Hightstown Members of Local 32 of the Office and Professional Employees International Union AFL-CIO for the years 2015, 2016, 2017, and 2018, which agreement is on file in the Borough Clerk’s office, is hereby approved and ratified.
2. That the Borough Administrator is hereby authorized to execute, and the Borough Clerk to attest, the attached Memorandum of Agreement with the Hightstown Members of Local 32 of the Office and Professional Employees International Union AFL-CIO for the years 2015, 2016, 2017, and 2018.
3. That the Borough Administrator is hereby authorized to execute, and the Borough Clerk to attest, a new CBA with Hightstown Members of Local 32 of the Office and Professional Employees International Union AFL-CIO for the years 2015, 2016, 2017, and 2018, so long as the CBA includes all of the terms and conditions set forth in the attached Memorandum of Agreement and the CBA is satisfactory to the Borough’s Labor Counsel.
4. That a certified copy of this Resolution shall be provided to each of the following:
 - a. Hightstown Local 32 of the Office and Professional Employees International Union AFL-CIO;
 - b. Elizabeth 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 June 15, 2015.

Debra L. Sopronyi
Borough Clerk

Resolution 2015-167

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

AUTHORIZING EXECUTION OF RIGHTS-OF-WAY USE AGREEMENT WITH CROSS RIVER FIBER, LLC

WHEREAS, Cross River Fiber, Inc. (“Cross River”) is a public utility and telecommunications carrier as defined by N.J.S.A 48:2-13; and

WHEREAS, Cross River is authorized to provide service by the New Jersey Board of Public of Utilities and the Federal Communications Commission; and

WHEREAS, Cross River is seeking to install telecommunications facilities on utility poles or within underground conduits located in the public right-of-way in the Borough of Hightstown in order to provide telecommunications services to the public, and to operate, maintain and repair facilities; and

WHEREAS, N.J.S.A 48:17-10 through 48:17-12 permits municipalities to enter into a Rights-of-Way Use Agreement with a telecommunications carrier; and

WHEREAS, the Borough of Hightstown desires to enter into a Rights-of-Way Use Agreement with Cross River that sets forth the terms of use, occupancy and manner in which Cross River will utilize the Borough of Hightstown Rights of Ways (“Use Agreement”); and

WHEREAS, the Use Agreement shall be effective for an initial ten (10) year term and contain three (3) additional renewable ten (10) year terms; and

WHEREAS, annexed hereto is a copy of the Use Agreement to be entered into by and between the Borough of Hightstown and Cross River;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Hightstown, being the governing body thereof, that the Mayor be and hereby is authorized to execute and the Municipal Clerk be and hereby is authorized to witness, the annexed Rights-of-Way Use Agreement between the Borough of Hightstown and Cross River Fiber, Inc.

CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on June 15, 2015.

Debra L. Sopronyi
Borough Clerk

Resolution 2015-168

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

AUTHORIZING PARTICIPATION IN THE NATIONAL JOINT POWER ALLIANCE (NJPA) COOPERATIVE PURCHASING PROGRAM PURSUANT TO P.L. 2011, C. 139

WHEREAS, the National Joint Power Alliance (NJPA) Cooperative Purchasing Program is created to serve cities, counties, towns, public or private schools, political subdivisions of Minnesota or another state, another state, any agency of the State of Minnesota or the United States including instrumentalities of a governmental unit and all non-profits; and

WHEREAS, the NJPA Board of Directors has established the ability for an "Applicant" desiring to participate in NJPA contracts and procurement programs to become a Participating Member; and

WHEREAS, the NJPA Board of Directors has determined that Participating Members will have no financial or organizational liability to NJPA or to its organizational activities; and

WHEREAS, the Borough of Hightstown as a contracting unit, may without advertising for bids, purchase any materials, supplies or equipment entered into on behalf of the National Joint Power Alliance (NJPA) Cooperative Purchasing Program pursuant to the provisions of P.L.2011, c. 139 which permits contracting units to use contracts awarded by national or regional cooperative or other states that were competitively bid. The law supplements existing law on the use of such contracts and is intended to provide additional flexibility to local government in the area of procurement; and

WHEREAS, the Borough Council desires to obtain membership in the NJPA and to purchase certain products and services from vendors through the NJPA; and

WHEREAS, the Borough Council authorizes the Borough Administrator and/or Qualified Purchasing Agent to submit an on-line application and execute any paperwork required to obtain membership into the NJPA and to purchase products and services from the NJPA Cooperative Purchasing Program contracts.

WHEREAS, pursuant to the rules of the Local Finance Board of the State of New Jersey no amount of any contract shall be chargeable until certification of available funds is made and upon receipt of a properly executed purchase order.

NOW THEREFOR BE IT RESOLVED, by the Mayor and Council of the Borough of Hightstown, of the County of Mercer in the State of New Jersey, that the Borough Administrator and/or Qualified Purchasing Agent are authorized to submit an on-line application and execute any paperwork required for membership into the National Joint Power Alliance Cooperative Purchasing Program to purchase products and services from the NJPA contracts.

CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on June 15, 2015.

Debra L. Sopronyi
Borough Clerk

Resolution 2015-169

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

RESCINDING RESOLUTION 2015-134

WHEREAS, the Borough Council authorized use of the Memorial Parking Lot for a Latino Festival to be held on July 11, 2015; and

WHEREAS, the original application for a Park Use Permit requested the use of Memorial Park for this event however the Parks and Recreation Commission has authorized the use of Bank Street Park for this event; and

WHEREAS, the authorization for the use of the Memorial Parking Lot was issued under the original application and in connection with authorization by the Parks and Recreation for the Park Use Permit being issued for the use of Memorial Park; and

WHEREAS, the Borough Council finds it necessary to rescind resolution 2015-134 which authorized use of the Memorial Parking Lot for a Latino Festival to be held in Memorial Park on July 11, 2015.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that resolution 2015-134 which authorized the use of the Memorial Parking Lot for a Latino Festival on July 11, 2015 is hereby rescinded due to the circumstances as stated above.

CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on June 15, 2015.

Debra L. Sopronyi
Borough Clerk

Resolution 2015-170

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

AUTHORIZING RENEWAL OF ALCOHOLIC BEVERAGE LICENSE #1104-44-002-010 – FAMILY WINES AND LIQUORS, INC. (T/A HIGHTSTOWN LIQUORS)

WHEREAS, Family Wines and Liquors, Inc. has made application to the Borough for renewal of their Plenary Retail Distribution License #1104-44-002-010, together with the required fees; and

WHEREAS, the State of New Jersey Division of Taxation has certified, by issuance of an ABC Retail Licensee Clearance Certificate, that Family Wines and Liquors, LLC, is in compliance with Chapter 161, Laws of New Jersey 1995, and that they have no objections to renewal of said license; and

WHEREAS, the Police Lieutenant has been consulted and has no objections to renewal of this license.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Municipal Clerk is hereby authorized to issue the following Alcoholic Beverage License to Family Wines and Liquors, Inc. doing business as Hightstown Liquor at 107 Stockton Street:

**2015-2016 Plenary Retail Distribution License
License #1104-44-002-010
Fee: \$2,500.00**

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Division of Alcoholic Beverage Control.

CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on June 15, 2015.

Debra L. Sopronyi
Borough Clerk

Resolution 2015-171

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

WAIVING FEES FOR CERTAIN PARKING PERMITS

WHEREAS Rise (formerly known as the Community Action Service Center), a nonprofit agency serving Borough residents, has requested eight 2015-2016 parking permits for use by their staff, including four special permits for use in the Main Street parking lot and four permits for use in the Borough's permit parking area near Wells Fargo Bank; and

WHEREAS, Rise has requested that the fees for these permits be waived; and

WHEREAS, because Rise is an agency that receives financial support from, and serves residents of the Borough, the Mayor and Council wish to authorize issuance of said permits at no fee.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Borough Clerk shall issue Rise eight (8) 2014-2015 parking permits as detailed herein and that the fees for these permits shall be waived.

CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on June 15, 2015.

Debra L. Sopronyi
Borough Clerk

Resolution 2015-172

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

**AUTHORIZING EXECUTION OF A MUNICIPAL SHARED SERVICES DEFENSE
AGREEMENT FOR PARTICIPATION IN THE PREPARATION OF A STATEWIDE
FAIR SHARE ANALYSIS UNDERTAKEN BY RUTGERS UNIVERSITY AND
AUTHORED AS THE BURCHELL FAIR SHARE ANALYSIS**

WHEREAS, the Borough of Hightstown has filed or anticipates filing a Declaratory Judgment Action in the Superior Court of New Jersey Mercer County in furtherance of the Supreme Court's March 10, 2015 decision captioned In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015) (the "Supreme Court Decision"); and

WHEREAS, Fair Share Housing Center ("FSHC"), through the services of David Kinsey, has prepared what it considers to be the statewide fair share numbers (the "FSHC Numbers") for use by the 15 vicinage Mt. Laurel Judges to calculate a municipality's affordable housing obligation pursuant to the Supreme Court Decision; and

WHEREAS, the Borough of Hightstown desires to participate in the preparation of a statewide fair share analysis to be undertaken by Rutgers, The State University of New Jersey ("Rutgers"), through Dr. Robert W. Burchell, Principal Investigator, and various other experts employed by Rutgers in order to establish a rational and reasonable methodology (the "Burchell Fair Share Analysis") for determination of a municipality's obligation to provide a realistic opportunity through its land use ordinances for its fair share of the region's affordable housing needs in accordance with the Mount Laurel Doctrine as set forth in In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) ("Decision") and prior decisions of the Courts of New Jersey, and the Fair Housing Act, N.J.S.A. 52:27D-301 et. seq.; and

WHEREAS, Rutgers, utilizing Dr. Burchell as the Principal Investigator and author has agreed to prepare the Burchell Fair Share Analysis within 90 days of being retained to establish his view of the proper way to determine each municipality's fair share obligation; and

WHEREAS, Dr. Burchell estimates the cost to prepare the initial Burchell Fair Share Analysis will be \$70,000; and

WHEREAS, it is anticipated that there will be a need for Dr. Burchell to analyze any challenges to his conclusions and prepare a rebuttal report to said challenges which is not included in the \$70,000; and

WHEREAS, it is anticipated that if each municipality contributes \$2,000, there will be sufficient monies to pay the cost to prepare the initial Burchell Fair Share Analysis, to analyze any challenges to the Initial Fair Share Analysis and to Prepare A Rebuttal Report given the number of municipalities that have expressed an interest in retaining Burchell; and

WHEREAS, a Municipal Shared Services Defense Agreement (hereinafter MSSDA"), has been prepared (a) so that monies can be collected to enter into an agreement with Rutgers (hereinafter "the Rutgers Agreement") and so that Burchell, along with various other experts from Rutgers, can perform the tasks described above and (b) so that the rights and responsibilities of each municipality that wishes to sign the agreement to retain Rutgers are defined; and

WHEREAS, the MSSDA provides that the Law Offices of Jeffrey R. Surenian and Associates, LLC ("Surenian") will serve as the administrative entity to sign the Rutgers agreement on behalf of the municipalities that signed the MSSDA and paid the \$2,000 fee; and

WHEREAS, it is imperative given the time constraints for municipalities that wish to retain Burchell to sign the MSSDA and pay the \$2,000 fee so that Burchell can conduct the necessary analysis; and

WHEREAS, notwithstanding the foregoing, it is possible that the MSSDA may need to be changed as a result of ongoing negotiations with the Rutgers agreement following execution of the MSSDA and the payment of the \$2,000 fee; and

WHEREAS, in such an event, any member that objects to the changes that Rutgers may require shall have the opportunity to relinquish membership in the Municipal Group and to receive back the \$2,000 payment as more specifically set forth in the MSSDA.

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

1. The terms and conditions of the MSSDA attached hereto are hereby approved, ratified and confirmed.
2. The amount of \$2,000 is hereby authorized to be expended by the Borough of Hightstown for Rutgers through Dr. Robert Burchell, Principal Investigator to prepare the Burchell Fair Share Analysis.
3. A certification of funds authorizing the aforesaid expenditure has been signed by the Chief Financial Officer of the Borough of Hightstown and is appended hereto.
4. The Mayor be and is hereby authorized to execute the aforesaid MSSDA to memorialize the participation of the Borough of Hightstown in the preparation of the Burchell Fair Share Analysis and to take any and all actions reasonably required to effectuate said Agreement.
5. The Borough of Hightstown hereby authorizes Jeffrey R. Surenian, Esq. to execute on behalf of the Borough of Hightstown the Research Agreement with Rutgers to initiate and complete Burchell Fair Share Analysis and to do such other actions to effectuate the purposes of said Research Agreement.
6. If further changes to the MSSDA are needed as a result of finalizing the Rutgers Agreement, within ten (10) days of notification by Surenian of the changes, the Borough of Hightstown will inform Surenian if it objects to the changes and wishes to withdraw from the Municipal Group and obtain a refund of the \$2000 it paid.
7. This Resolution shall take effect immediately.

CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on June 15, 2015.

Debra L. Sopronyi
Borough Clerk

Resolution 2015-173

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

**REQUESTING PERMISSION TO ESTABLISH A DEDICATED TRUST BY RIDER
FOR HIGHTSTOWN DEVELOPER FEES – AFFORDABLE HOUSING TRUST
FUNDS PURSUANT TO PL 1985 C.222 AND NJS 52:27D-320)**

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimates in advance; and

WHEREAS, *PL 1985 c.222 and NJS 52:27D-320* permits municipalities to receive amounts for costs incurred for Developer Fees – Affordable Housing Trust Funds; and

WHEREAS, *N.J.S.A. 40A:4-39* provides that the Director of the Division of Local Government Services may approve expenditures of monies by dedication by rider;

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

1. The governing body hereby requests permission of the Director of the Division of Local Government Services to pay expenditures for Developer Fees – Affordable Housing Trust Funds per PL 1985 c.222 and NJS 52:27D-320.
2. The Municipal Clerk of the Borough of Hightstown is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on June 15, 2015.

Debra L. Sopronyi
Borough Clerk

Resolution 2015-174

BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY

**AUTHORIZING THE BOROUGH TO COMMENCE AN ACTION BEFORE
THE SUPERIOR COURT OF NEW JERSEY
IN ORDER TO SEEK CERTIFICATION OF ITS
AFFORDABLE HOUSING PLAN**

WHEREAS, the Borough of Hightstown (the “Borough”) has previously prepared and filed an Affordable Housing Plan (also referenced as the “Plan”) with the New Jersey Council on Affordable Housing (“COAH”), in order to obtain certification of its proposed affordable housing compliance plan; and

WHEREAS, the Plan provided a detailed analysis as to how the Borough intends to comply with its obligation to provide its fair share of low and moderate income housing in order to satisfy the regional need for the same, pursuant to the Mt. Laurel doctrine, as articulated in Southern Burlington County NAACP vs. Tp. Of Mt. Laurel, 92 N.J. 158 (1983), and related opinions; and

WHEREAS, the Borough’s last Plan was submitted to COAH in or about July of 2012, and has been pending before COAH since that time; and

WHEREAS, on March 10, 2015, the New Jersey Supreme Court rendered an opinion in the case of: “In the matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council of Affordable Housing,” 221 N.J. 1 (2015); and

WHEREAS, among other things, that decision returns primary jurisdiction over affordable housing matters to the trial courts, thus removing COAH from the process; and

WHEREAS, pursuant to this recent Supreme Court ruling, municipalities shall be required to present a housing plan and to demonstrate their compliance with the New Jersey “Fair Housing Act” of 1985, N.J.S.A. 52:27D-301, et seq., to the Superior Court of New Jersey; and

WHEREAS, the Borough wishes to comply with the procedure established in the above-referenced recent Supreme Court ruling; and

WHEREAS, the Borough therefore wishes to authorize the preparation, filing and commencement of an action before the Superior Court of New Jersey in order to seek certification of the Borough’s proposed Affordable Housing Plan, and to seek repose and immunity from Builder’s Remedy lawsuits relating thereto.

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

1. That the Borough hereby authorizes the preparation, filing and commencement of an action before the Superior Court of New Jersey, in order to seek certification of the Borough’s proposed Affordable Housing Plan, and to seek repose and immunity from Builder’s Remedy lawsuits relating thereto.
2. That the Borough Attorney and Borough Planner, as well as any other relevant Borough Officials, are hereby authorized and directed to prepare and file all necessary documents in furtherance of this action, on behalf of the Borough.
3. That a certified a copy of this Resolution shall be provided to each of the following:
 - a. Frederick C. Raffetto, Esq., Borough Attorney

- b. Tamara Lee, P.P., Borough Planner
- c. Gary S. Rosensweig, Esq., Planning Board Attorney
- d. Hightstown Borough Planning Board

CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on June 15, 2015.

Debra L. Sopronyi
Borough Clerk

Resolution 2015-175

BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY

ESTABLISHING SALARIES OF CERTAIN OFFICERS AND EMPLOYEES OF THE BOROUGH OF HIGHTSTOWN FOR THE YEAR 2015

WHEREAS, Section 2-9.8(b) of the *Revised General Ordinances of the Borough of Hightstown* provides that salaries of Department Heads shall be set by the Mayor and Council and that the salaries of other non-union employees shall be set by the Borough Administrator within the range provided by Ordinance; and

WHEREAS, it is the desire of the Mayor and Council to set 2015 salaries for certain non-union employees to provide a two percent increase.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the salary for the titles below shall be effective January 1, 2015:

<u>Position/Title</u>	<u>2015 Salary</u>
Chief Financial Officer	47,500.00
Borough Clerk	71,660.00
Part-Time Collector	13,200.00
Assessor	17,100.00
Treasurer	52,870.00
Municipal Court Administrator	60,725.00
Municipal Court Administrator - on call stipend	1,000.00
Municipal Magistrate	37,900.00
Public Works Superintendent	87,227.00
Water Plant Operator	71,265.00
Superintendent of AWWTP	82,500.00
Registrar of Vital Statistics	3,900.00
Construction Code Official	20,570.00
Technical Assistant	42,005.00
Building Subcode Official	4,000.00
Building Inspector	4,000.00

BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of Hightstown that the salary for the titles below shall be effective July 1, 2015:

<u>Position/Title</u>	<u>2015 Salary</u>
Zoning Official	10,750.00

CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on June 15, 2015.

Debra L. Sopronyi
Borough Clerk

Resolution 2015-176

*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 15, 2015 directly following the general meeting 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:

Contract Negotiations – Shared Services: 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 15, 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 June 15, 2015.

Debra L. Sopronyi
Borough Clerk

Resolution 2015-177

*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, July 18, 2015 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, July 18, 2015, 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 June 15, 2015.

Debra L. Sopronyi
Borough Clerk