

Meeting Minutes
Hightstown Borough Council
Regular Meeting
February 1, 2010 7:30 pm

The meeting was called to order by Mayor Robert Patten at 7:30 pm and 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 advertised in the *Trenton Times* and the *Windsor-Hights Herald*, and is posted in the Borough Clerk's office."

The Flag Salute was followed by Roll call.

ROLL CALL

	PRESENT	ABSENT
<i>Councilmember Bond</i>	✓	
<i>Councilmember McGinty</i>	✓	
<i>Councilmember Musing</i>	✓	
<i>Councilmember Quattrone</i>	✓	
<i>Councilmember Sikorski</i>	✓	
<i>Councilmember Theokas</i>	✓	
<i>Mayor Patten</i>	✓	

Also in attendance: Debra Sopronyi, Borough Clerk; Herbert Massa, Borough Administrator; Frederick Raffetto, Borough Attorney; Carmela Roberts, Borough Engineer; Bill Antonides, Auditor; James Eufemia, Chief of Police; and George Lang, CFO.

The Mayor announced that he was adding a presentation by John Archer to the agenda regarding the shared services agreement with Robbinsville for EMS Services. Ms. McGinty requested that all minutes, with the exception of the December 21, 2009 closed session, be removed from the agenda for this evening. The Borough Engineer, Carmela Roberts, requested that resolution 2010-36 be removed from the agenda as this is not the right time to pass this resolution as the Federal Highway Commission must first approve the design work for the grant.

Council President Quattrone motioned to accept the amended agenda, Councilmember Theokas seconded; all approved.

Approval of Minutes

Councilmember Sikorski moved the minutes of December 21, 2009 Executive Session for approval, Council President Quattrone seconded. Councilmember Musing abstained, the remainder of Council approved. Minutes approved 5 – 0.

Mr. Bill Antonides, the Borough Auditor, gave a brief overview of the audit findings and remarked that there were no comments or recommendations; therefore there is no need for corrective action on the 2008 audit. He commented that our budgets are getting tighter and we are collecting less interest, leaving the Borough with less surplus. There being no questions from Council, the Mayor thanked Mr. Antonides and excused him from the meeting.

Mr. John Archer then addressed the Council to inquire as to whether they would like to renew their current agreement with Robbinsville for EMS Services. He informed Council that Robbinsville will be outsourcing these services to Capital Health Systems and that an ambulance would be parked in Hightstown, cutting down considerably on response time. He also emphasized that the cost would be the same as this past year. Council responded that they would like to continue the agreement and Mr. Archer was dismissed.

Public Comment I

Mayor Patten opened the floor for public comment.

Phyllis Deal – 305 Stockton St., announced that she has cats and uses a litter called “Yesterday’s News” made of old newspaper, which makes it recyclable. There was an article in the paper about how Princeton is entering talks with Princeton University about taxes; she believes we should be getting more from the Peddie School to help reduce the residents tax burden.

Eugene Sarafin – 628 S. Main St., stated that he thinks the Borough should talk to West Windsor or Cranbury before jumping in to an agreement with Robbinsville for EMS Services. He also commented that the Council should not vote for resolution 2010-44 as it is not written properly and he objects to its content.

Tory Watkins - 68 Meadow Dr, he thinks Council should defer resolution 2010-44 because it is too dense and the Attorney should research the information first.

Resolution 2010-33 Authorizing the Release of Maintenance Bond – Jeffrey Bond (Block 54, Lots 10, 21 & 23)

Council member Bond recused himself from the discussion and vote on this resolution

Council President Quattrone moved resolution 2010-33, Councilmember McGinty seconded.

Borough Engineer gave an overview of the resolution.

Roll Call Vote: Council members McGinty, Musing, Sikorski and Theokas voted yes; Council member Bond was recused.

Resolution adopted, 5-0

Resolution 2010-33

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

**AUTHORIZING RELEASE OF MAINTENANCE GUARANTEE AND FUNDS REMAINING IN ESCROW –
JEFFREY BOND (BLOCK 54, LOTS 10, 21 & 23)**

WHEREAS Jeffrey Bond has posted a maintenance guarantee in the amount of \$6,645.72 and maintained an inspection escrow account with the Borough for Block 54, Lots 10, 21 and 23; and

WHEREAS the Borough Engineer has inspected the project and has recommended the release of the maintenance bond and remaining escrow funds, subject to payment of any outstanding fees;

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

The Borough Clerk is authorized and directed to release to Jeffrey Bond his maintenance bond in the amount of \$6,645.72 held relative to Block 54, Lots 10, 21 and 23 as detailed herein.

The Treasurer is authorized and directed to release to Jeffrey Bond all amounts remaining in his escrow account for Block 54, Lots 10, 21 and 23, subject to certifications from the Borough’s professionals that all amounts due to them for Block 54, Lots 10, 21 and 23 have been fully paid.

A certified copy of this Resolution shall be provided to the following:

- a. Jeffrey Bond
- b. Arlene O’Rourke, Treasurer
- c. Leona Baylor, Planning Board Secretary
- d. Carmela Roberts, Borough Engineer
- f. Gary Rosensweig, Planning Board Attorney

Resolution 2010-34 Authorizing the Release of Maintenance Bond – CCL Labels

Councilmember Sikorski moved resolution 2010-34, Council President Quattrone seconded.

Borough Engineer gave an overview of the resolution.

Roll Call Vote: Council members Bond, McGinty, Musing, Sikorski and Theokas voted yes.

Resolution adopted, 6-0

Resolution 2010-34

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

**AUTHORIZING RELEASE OF MAINTENANCE GUARANTEE AND FUNDS REMAINING IN ESCROW –
CCL LABEL, INC. (BLOCK 21.01, LOTS 4-7 & 11)**

WHEREAS CCL Label, Inc. has posted a maintenance guarantee in the amount of \$6,092.70 and maintained an inspection escrow account with the Borough for Block 21.01, Lots 4-7 and 11; and

WHEREAS the Borough Engineer has inspected the project and has recommended the release of the maintenance bond and remaining escrow funds, subject to payment of any outstanding fees;

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

The Borough Clerk is authorized and directed to release to CCL Label, Inc. their maintenance bond in the amount of \$6,092.70 held relative to Block 21.01, Lots 4-7 and 11 as detailed herein.

The Treasurer is authorized and directed to release to CCL Label, Inc. all amounts remaining in their escrow account for Block 21.01, Lots 4-7 and 11, subject to certifications from the Borough's professionals that all amounts due to them for Block 21.01, Lots 4-7 and 11 have been fully paid.

A certified copy of this Resolution shall be provided to the following:

- a. CCL Label, Inc.
- b. Arlene O'Rourke, Treasurer
- c. Leona Baylor, Planning Board Secretary
- d. Carmela Roberts, Borough Engineer
- f. Gary Rosensweig, Planning Board Attorney

Resolution 2010-35 Authorizing the Advertising of Bids for the Leshin Lane and Mercer Street Water Main Extension Project

Council member Bond recused himself from the discussion and vote on this resolution

Councilmember Sikorski moved resolution 2010-35, Councilmember Theokas seconded.

The Borough Engineer gave an overview of the resolution.

Roll Call Vote: Council members Quattrone, McGinty, Musing, Sikorski and Theokas voted yes. Council President Bond was recused

Resolution adopted, 5-0

Resolution 2010-35

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

**AUTHORIZING RECEIPT OF BIDS FOR THE LESHIN LANE AND MERCER STREET WATER MAIN
EXTENSION PROJECT**

WHEREAS, the New Jersey Department of Environmental Protection has authorized the advertising and receipt of bids for the Leshin Lane and Mercer Street Water Main Extension Project.

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 Leshin Lane and Mercer Street Water Main Extension Project, and that the Borough is authorized to receive same after proper advertisement.

Resolution 2010-37 Authorizing Additional Funds for Preliminary Engineering Services for the Stockton Street Historic District Infrastructure Project – Roberts Engineering Group, LLC

Council member Musing recused himself from this discussion and vote on this resolution

Council President Quattrone moved resolution 2010-37, Councilmember Bond seconded.

Borough Engineer gave an overview of the resolution and there was discussion regarding whether these funds are being reimbursed through the grant. Ms. Roberts advised Council that the grant does not cover preliminary work, it only covers expenses beginning with the pre-construction meeting.

Roll Call Vote: Council members Bond, McGinty, Quattrone, Sikorski and Theokas voted yes. Council member Musing was recused

Resolution adopted, 5-0

Resolution 2010-37

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

AUTHORIZING ADDITIONAL FUNDS FOR PRELIMINARY ENGINEERING SERVICES FOR THE STOCKTON STREET HISTORICAL DISTRICT INFRASTRUCTURE PROJECT- ROBERTS ENGINEERING GROUP, LLC

WHEREAS, the Borough Council had previously authorized \$28,000.00 for the Borough Engineer to begin the required preliminary work required for and relating to the Stockton Street Historical District Infrastructure Project while waiting for the bonding for this project to be authorized and adopted; and

WHEREAS, the work included providing NJDOT and the FHWA documents that are in compliance with the ARRA funding requirements, including the revision of plans, specifications and cost estimates; and

WHEREAS, the submission of environmental documents, utility, design, ROW and proprietary item certifications, and obtaining the Rights of Entry to do work beyond the ROW line, as well as incorporating bid requirements have all been performed as required; and

WHEREAS, the Borough Engineer, Carmela Roberts of Roberts Engineering Group, LLC has submitted a request that the amount authorized for these services be increased by \$11,500.00 for a total of \$39,500.00; and,

WHEREAS, the Treasurer has certified that funds for this purpose are available in Ordinance 2009-15

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Hightstown that the amount originally authorized for Carmela Roberts of Roberts Engineering Group, LLC to perform these services be increased by \$11,000.00 for a total of \$39,500.00 for preliminary services associated with the Stockton Street Historical District Infrastructure Project.

First Reading and Introduction - Ordinance 2010-03 An Ordinance Regarding Special Event Signs on Lands Under The Jurisdiction of The Board of Recreation Commissioners, and Amending and Supplementing Section 29-6, Entitled “Signs Exempt From Permits,” of Chapter 29, “Signs,” of The “Revised General Ordinances of The Borough of Hightstown, New Jersey.”

The Borough Attorney commented that this ordinance does not have to go the Planning Board for approval since it came from them initially.

Council President Quattrone moved for the introduction of Ordinance 2010-03, Councilmember Sikorski seconded.

Roll Call Vote: Council members Bond, McGinty, Musing, Quattrone, Sikorski and Theokas voted yes;

Ordinance introduced 6-0. The public hearing and final reading of ordinance 2010-03 will be held on February 16, 2010.

AN ORDINANCE REGARDING SPECIAL EVENT SIGNS ON LANDS UNDER THE JURISDICTION OF THE BOARD OF RECREATION COMMISSIONERS, AND AMENDING AND SUPPLEMENTING SECTION 29-6, ENTITLED "SIGNS EXEMPT FROM PERMITS," OF CHAPTER 29, "SIGNS," OF THE "REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN, NEW JERSEY."

WHEREAS, the Hightstown Borough Planning Board has recommended that certain provisions be incorporated into the Hightstown Borough Code in order to exempt special event signs on lands under the jurisdiction of the Board of Recreation Commissioners from the requirement of obtaining a sign permit; and

WHEREAS, the Hightstown Borough Council has agreed with the Planning Board's recommendation, and wishes to amend and supplement the "Revised General Ordinances of the Borough of Hightstown, New Jersey" accordingly.

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

That Section 29-6, entitled "Signs Exempt from Permits," of Chapter 29, "Signs," of the "Revised General Ordinances of the Borough of Hightstown, New Jersey" is hereby amended and supplemented in order to establish the following new provisions (additions are shown with underline):

29-6. Signs Exempt from Permits.

The following signs are exempt from the need to obtain permits:

1. Special event signs on lands under the jurisdiction of the Board of Recreation Commissioners as defined in Section 2-31.5 of the Borough Code. Such signs shall require the prior written approval of the Board of Recreation Commissioners and must conform to the relevant provisions of this Chapter. Approved signs shall not be erected for more than two (2) weeks and shall not exceed sixteen (16) square feet. All signs shall be removed within twenty-four (24) hours of the conclusion of the event.
2. That the provisions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found to be invalid for any reason by any court of competent jurisdiction, such judgment shall be limited in its effect only to that portion of the Ordinance actually adjudged to be invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.
3. That all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.
4. That this Ordinance shall take effect upon final passage and publication in accordance with the law.

Final Reading and Public Hearing - Ordinance 2010-01 Bond Ordinance Providing For Improvements To The Water/Sewer Utility at Leshin Lane From South Main Street To Westerlea Avenue In and By The Borough of Hightstown, In The County of Mercer, New Jersey, Appropriating \$52,000 Therefor and Authorizing The Issuance \$49,500 Bonds or Notes of The Borough to Finance Part of The Cost Thereof.

Council President Quattrone moved for the adoption of Ordinance 2010-01, Councilmember Theokas seconded.

George Lang, CFO gave a brief explanation of the ordinance.

The Mayor opened the Public Hearing for Ordinance 2010-01

Eugene Sarafin – 628 S. Main St., stated that Leshin Lane is a disaster and it needs a base to be put down with the new construction.

There being no further comments, the Mayor closed the Public Hearing.

Roll Call Vote: Council members Bond, McGinty, Musing, Quattrone, Sikorski and Theokas voted yes.

Ordinance adopted 6-0.

**BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO THE WATER/SEWER UTILITY AT
LESHIN LANE FROM SOUTH MAIN STREET TO WESTERLEA AVENUE IN AND BY THE BOROUGH
OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$52,000
THEREFOR AND AUTHORIZING THE ISSUANCE \$49,500 BONDS OR NOTES OF THE BOROUGH TO
FINANCE PART OF THE COST THEREOF.**

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

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Borough of Hightstown, in the County of Mercer, New Jersey (the "Borough") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$52,000, including the sum of \$2,500 as the down payment required by the Local Bond Law. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$49,500 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is for the reconstruction of Leshin Lane from South Main Street to Westerlea Avenue, consisting of the installation and replacement of curbs, sidewalks and pavement, including all work and materials necessary therefor and incidental thereto and further including all related costs and expenditures incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The 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 notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All 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 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 notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the 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 ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Borough may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this ordinance, is 10 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$568,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$88,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 7. The Borough hereby declares the intent of the Borough to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

Section 8. Any grant moneys received for the purpose described in Section 3(a) hereof shall be applied to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such additional 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 "Rule") 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 2010-02

Final Reading and Adoption – Ordinance 2010-02 - Bond Ordinance Providing for the Reconstruction of Leshin Lane from South Main Street to Westerlea Avenue in and by the Borough of Hightstown, in the County of Mercer, New Jersey, Appropriating \$568,000 Therefor and Authorizing the Issuance \$568,000 Bonds or Notes of the Borough to Finance Part of the Cost Thereof.

Council President Quattrone moved for the adoption of Ordinance 2010-02, Councilmember Sikorski seconded.

George Land, CFO gave a brief explanation of the ordinance.

The Mayor opened the Public Hearing for Ordinance 2010-02

Eugene Sarafin – 628 S. Main St., stated that this road was originally laid on farmland and there is no base. The trucks travel this road so if the present pavement is being ground he suggested it be left there to absorb the motion of traffic.

There being no further comments, the Mayor closed the Public Hearing.

Roll Call Vote: Council members Bond, McGinty, Musing, Quattrone, Sikorski and Theokas voted yes.

Ordinance adopted 6-0.

BOND ORDINANCE PROVIDING FOR THE RECONSTRUCTION OF LESHIN LANE FROM SOUTH MAIN STREET TO WESTERLEA AVENUE IN AND BY THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$568,000 THEREFOR AND AUTHORIZING THE ISSUANCE \$568,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.

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

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Borough of Hightstown, in the County of Mercer, New Jersey (the "Borough") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$568,000, including a grant expected to be received from the State of New Jersey Department of Transportation in the amount of \$455,000 (the "State Grant"). Pursuant to N.J.S.A. 40A:2-11(c), no down payment is provided for the costs of the improvement since the project described in Section 3(a) hereof is being partially funded by the State Grant.

Section 2. In order to finance the cost of the improvement or purpose and in anticipation of and not otherwise covered by the State Grant referred to in Section 1 hereof, negotiable bonds are hereby authorized to be issued in the principal amount \$568,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is for the reconstruction of Leshin Lane from South Main Street to Westerlea Avenue, consisting of the installation and replacement of curbs, sidewalks and pavement, including all work and materials necessary therefor and incidental thereto and further including all related costs and expenditures incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The 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 notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All 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 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 notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the 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 ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Borough may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this ordinance, is 10 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$568,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$88,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 7. The Borough hereby declares the intent of the Borough to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

Section 8. Any grant moneys received for the purpose described in Section 3(a) hereof shall be applied to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such additional 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 "Rule") 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.

Resolution 2010-38 Authorizing the Payment of Bills

Council President Quattrone moved resolution 2010-37, Councilmember Sikorski seconded.

Roll Call Vote: Council members Bond, McGinty, Musing, Quattrone, Sikorski and Theokas voted yes.

Resolution adopted, 6-0

Resolution 2010-38

*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 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 by the Mayor, the appropriate Councilmember and the Treasurer

in the amount of \$ 1,912,120.32 from the following accounts

Current	\$	1,718,996.95
W/S Operating		175,530.96
General Capital		3,861.50
W/S Capital		8,982.50
Public Defender		527.63
Trust Account		3,852.03
Grant Account		368.75
Total	\$	<u>1,912,120.32</u>

Consent Agenda

Councilmember Musing requested that resolution 2010-44 be removed from the consent agenda and postponed until the February 16th meeting, Council President Quattrone seconded. The remainder of Council agreed.

Councilmember Sikorski moved the amended consent agenda for adoption, Councilmember Bond seconded.

Roll Call Vote: Council members Bond, McGinty, Musing, Sikorski and Theokas voted yes; Council President Quattrone was absent.

Resolutions on Consent Agenda adopted 6-0.

Resolution 2010-39

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

RESOLUTION OF COMPLIANCE REGARDING THE 2008 AUDIT

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

WHEREAS, the Annual Report of Audit for the year 2008 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S. 40A:5-6, and a copy has been received by each member of the governing body; and

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

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

General Comments
Recommendations

; and

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

General Comments
Recommendations

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

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

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

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 - to wit:

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

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

Resolution 2010-40

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

AUTHORIZING A REFUND OF BAIL FORFEITURE

WHEREAS, Roche Surety and Casualty Co., Inc. issued a bail bond for Felicia Terrell in the amount of \$2,000.00 in 2007; and,

WHEREAS, Judge James M. Newman, J.M.C. granted relief in the amount of \$1,000.00 for good cause on January 20, 2010; and

WHEREAS, the Treasurer has verified the receipt from 2007 and requests that a refund of bail forfeiture be issued in the amount of \$1,000.00 from Current Account Number 0-01-55-005-002-001;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Treasurer is authorized to issue a refund of bail forfeiture in the amount of \$1,000.00 to Roche Surety and Casualty Co., Inc. in compliance with the order as signed by Judge James M. Newman, J.M.C.

Resolution 2010-41

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

AUTHORIZING A TRANSFER OF FUNDS IN THE 2009 BUDGET

WHEREAS, N.J.S.A 40A:4-59 provides that the governing body may authorize a transfer of funds in the budget during the first three months of the succeeding fiscal year;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the following transfers in the 2009 CURRENT budget are hereby authorized:

		FROM:	TO:
Insurance	Other Expenses		\$12,670.00
Legal	Other Expenses	\$2,070.00	
Electric	Other Expenses	\$2,600.00	
Landfill Solid Waste Disposal	Other Expenses	\$8,000.00	
TOTAL		\$12,670.00	\$12,670.00

Resolution 2010-42

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

AUTHORIZING EMERGENCY TEMPORARY APPROPRIATIONS PRIOR TO ADOPTION OF THE 2010 BUDGET

WHEREAS, an emergent condition has arisen with respect to inadequate appropriation balances remaining in some line items of the 2010 temporary budget; and

WHEREAS, N.J.S.A. 40A:4-20 provides for the creation of emergency appropriations for the purposes above mentioned; and

WHEREAS, it is the desire of the Mayor and Council to create emergency temporary appropriations as set forth on Schedule "A," attached; and

WHEREAS, the total emergency temporary appropriations in resolutions adopted in the year 2010 pursuant to the provisions of N.J.S.A. 40A:4-20 (Chapter 96, P.L. 1951, as amended), including this resolution, total:

	THIS RESOLUTION	PREVIOUS TOTAL	CUMULATIVE TOTAL
Current	164,116.00	0.00	164,116.00
Capital Outlay – Current	0.00	0.00	0.00
Debt Service - Current	0.00	0.00	0.00
Water/Sewer	0.00	0.00	0.00
Capital Outlay – W/S	0.00	0.00	0.00
Debt Service - W/S	0.00	0.00	0.00
TOTAL	164,116.00	0.00	164,116.00

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Hightstown (not less than two-thirds of all the members of thereof affirmatively concurring) that, in accordance with N.J.S.A. 40A:4-20:

An emergency temporary appropriation is hereby made for each item listed on the schedules that are attached hereto and made a part hereof.

Each emergency appropriation listed will be provided for in the 2010 budget under the same title as written herein;

One certified copy of this resolution will be filed with the Director of Local Government Services, and a copy provided to the Treasurer.

Resolution 2010-43

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

AUTHORIZING ISSUANCE OF RAFFLE LICENSE #RL-214 TO HIGHTSTOWN EAST WINDSOR LIONS

WHEREAS, the Hightstown East Windsor Lions wish to hold off-premise 50/50 raffle at the Apollo Lodge, 525 North Main Street, on June 23, 2010; and

WHEREAS, the group has submitted application number RA-214 for this raffle, together with the required fees; and

WHEREAS, the Borough Clerk and the Chief of Police have reviewed the application and have determined that the requirements of N.J.S.A. 5:8-53, regarding the applicant, the members in charge of the game, and the game itself, have been met;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Borough Clerk is authorized to issue Raffle License No. RL-214 to Hightstown East Windsor Lions for their off-premise 50/50 raffle to be held on June 23, 2010.

Discussion Items

The Mayor gave an update on Bill S-1 to end NJ Affordable Housing and expressed that he feels this is not a good time to move forward, we should wait and see what changes take place. Ms. McGinty stated that she still believes we need someone in place to review COAH because currently there is nobody keeping track of this for the Borough. The Mayor advised Council that he and Herb Massa will be meeting later this week on the matter of a liaison.

The Council discussed summer hours at Borough Hall and has reservations, as in the past the hours have not been enforced. There was also concern that people need service at Borough Hall as well as the issue of mail and package deliveries on Fridays when the building is closed. It was decided that they would make the determination of whether they would go to reduced days in the summer at a future meeting. The Clerk was instructed to put the resolution for this matter on the agenda for the February 16th meeting.

Public Comment II

Eugene Sarafin – 628 S. Main St., commented that the Clerk's Association should not be putting up this resolution, they do not know what they are doing. It is time for our government leaders to do something for the residents, they are always starting anew instead of finishing anything. There is no adequate housing for low income residents. The Clerk should know better and needs to put the details of what litigation is being discussed in executive session.

Tory Watkins – 68 Meadow Dr., he inquired if our leaders would like to take the low income people and put them on an island somewhere so they can forget about them. He agreed that the summer hours were an experiment that did not work and the sooner they dispose of them, the better.

Council Comments

Councilmember Musing – commented that the Historic Preservation Commission met and had some changes in structure. They are putting together a pattern book of the homes in the Borough to educate the public.

Councilmember Sikorski – stated that the Board of Health had their reorganization meeting and appointed the Borough Clerk as the Registrar of Vital Statistics.

Council President Quattrone – Public Works has had their hands full with two broken water mains. The Memorial Day Parade Committee will begin meeting soon and everyone is invited to join the committee and attend the meetings.

Councilmember Bond – is concerned with the Council members recusing themselves too frequently; he inquired of the Attorney just what the requirements are for requiring a member to recuse themselves from discussion and a vote. The Attorneys responded that if the subject matter will personally benefit the Council member, then they should recuse themselves, but if it is for the betterment of the entire community, there is no need. If a Councilmember is uncomfortable voting for something then it is alright to recuse themselves of that topic.

Councilmember McGinty – commented that she has heard discussion of a Budget Sub-Committee being formed; she is interested in participating on that sub-committee. The Environmental Commission had their reorganization meeting and they have several initiatives they are putting in place regarding trees and sustainability. The Quality of Life Ordinance Committee met last week and 12 people attended. She inquired as to whether they should refer any ordinance recommendations to the Planning Board first, to which the Attorney recommended that they should. She commented that the Taxi applications are being reviewed by the Police Department. She believes recusals are a matter of personal ethics and should be addressed on a case by case basis. Ms. McGinty stated that there is a protocol for public comments and at the least they should be civil and there should be no cursing. Personal attacks on employees and offensive language are not acceptable; and the message just gets lost in the anger and language.

Councilmember Theokas – The EDC held their reorganization meeting; there is no news regarding Main Street due to the State changeover of government. He attended the taxi meeting at the police department and he commended Isabel McGinty on her thorough review and notes regarding the taxi files. The Ordinance Committee meeting was productive, he and the Chief attended. Councilmember Theokas disagrees with COAH, but agrees that something must be done to make it work properly. He also concurs that the budget sub-committee should get to work.

Chief Eufemia – stated that the taxi licenses are in various stages of review and they are talking to the applicants.

Administrator Massa – None

Borough Clerk – None

Borough Attorney – None

Mayor Patten – informed the Council that there will be no budget sub-committee; each department will work with their liaisons to submit a budget. Wednesday begins the trash collection agreement with Roosevelt. The Mayors Book Club has begun at Better Beginnings Day Care and is going well; it teaches parents to be effective readers.

Resolution 2010-45 Authorizing a Meeting Which Excludes the Public

Council President Quattrone moved resolution 2010-45, Councilmember Sikorski seconded.

Roll Call Vote: Council members Bond, McGinty, Musing, Quattrone, Sikorski and Theokas voted yes.

Resolution adopted, 6-0

Resolution 2010-45

*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 February 1, 2010 at approximately 8:30 p.m. at Borough Hall 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 – Matter of the employment of Patrolman Moore

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: May 1, 2010, 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.

After reconvening into open session, Councilmember Sikorski moved to adjourn the meeting at 10:58 pm and Councilmember Theokas seconded; the Motion was approved unanimously.

Respectfully Submitted,

Debra L. Sopronyi

Borough Clerk