

Meeting Minutes
Hightstown Borough Council
Regular Meeting
May 16, 2011 6:30 pm

The meeting was called to order by Mayor Kirson at 6:35 pm and he read the Open Public Meetings Act statement which stated, "Adequate notice of this meeting has been given in accordance with the Open Public Meetings Act, pursuant to Public Law 1975, Chapter 231. Said notice was advertised in the *Trenton Times* and the *Windsor-Hights Herald*, and is posted in the Borough Clerk's office."

ROLL CALL

	PRESENT	ABSENT
<i>Councilmember Bibens</i>	✓	
<i>Councilmember Gilmartin</i>	✓	
<i>Councilmember McGinty</i>	✓	
<i>Councilmember Quattrone</i>	✓	
<i>Councilmember Vanderbeck</i>		✓
<i>Councilmember Woods</i>	✓	
<i>Mayor Kirson</i>	✓	

Also in attendance: Debra Sopronyi, Borough Clerk; Husam Chater, Borough Attorney; and Phil Nettel, Special Labor Counsel.

Resolution 2011-138 Executive Session

Councilmember Quattrone moved resolution 2011-138 Councilmember Woods seconded.

Roll Call Vote: Council members Bibens, Gilmartin, McGinty, Quattrone and Woods voted yes.

Resolution adopted, 5-0

Resolution 2011-138

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 May 16, 2011 at approximately 6:30 pm in Council Chambers 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 – Labor Counsel & Chief of Police

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: August 16, 2011, 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.

Council re-convened into open session at 7:40 pm.

The meeting was called to order by Mayor Kirson at 7:43 pm and he again 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 which had remained the same; George Lang, Chief Financial Officer had also joined the public meeting at this time.

Council President McGinty requested that the agenda be amended by deleting the consent agenda and adopting the resolutions listed within it individually, and that resolution 2011-123 be pulled from the agenda. Councilmember Gilmartin moved the agenda as amended, Councilmember Quattrone seconded. The Mayor called for a Roll Call vote for approval of the amended the agenda.

Roll Call Vote: Council members Bibens, Gilmartin, McGinty, Quattrone and Woods voted yes.

The agenda was approved as amended.

Council President McGinty moved the minutes of the April 4, 2011 session for approval, Councilmember Bibens seconded. All approved.

Councilmember Quattrone moved the minutes of the April 6, 2011 bond ordinance workshop session for approval, Councilmember Woods seconded. Council President McGinty abstained, the remainder of Council approved.

Councilmember Quattrone moved the minutes of the April 12, 2011 master plan re-examination workshop session for approval, Councilmember Woods seconded. Council President McGinty abstained, the remainder of Council approved.

Mr. Mark Shane, Attorney for Americana Diner, requested that the presentation for the Historic sign be heard first as he was still waiting for his client to arrive. Council agreed.

Rick Pratt, of the Historic Preservation Commission, and Bob Craig of the Historical Society, presented a sign to Council which detailed the founding of Hightstown. He read the sign aloud which stated: "The Borough of Hightstown can trace its beginnings to the spring of 1747. On May 1st, John Hight bought an 80-acre parcel of land here on the north side of Rocky Brook, and during the succeeding two years built a gristmill on this site, beside the brook and abutting the early road that became Main Street. The mill became a magnet for other small enterprises, including a store, two taverns, a blacksmith shop, a sawmill, and several houses. As early as 1751, Hight opened his house as a tavern, the first on Rocky Brook. This house stood on the westerly side of the highway (now North Main Street), in front of where the Engine Company No. 1 firehouse now stands. The young village did not extend beyond what is now the downtown area, but the farms and the people that it served were spread across what is today both the Borough and East Windsor Township. It gained its name during the mid-1760's, when Hight owned more than three hundred acres, including more of the village than anyone else. The mill was rebuilt in the 1780's and then again several times in the 19th century. The last mill to stand here, known as the Gross Brother's Flour Mill, burned to the ground on May 29, 1920, in the largest fire ever known in Hightstown. Afterward, the Borough purchased this land and created Memorial Park, to honor local war veterans. The dedication took place on Armistice Day, Tuesday, November 11, 1924". Mr. Pratt advised that the sign being proposed would be two-sided, has been sanctioned by the Parks & Recreation Commission, and the cost is being paid by private funding and the Parks and Recreation Commission. There was discussion regarding the placement of this sign and the new sign that Parks and Recreation will be proposing, as well as the existing signs in Memorial Park. Council requested that a resolution be placed on the next agenda to approve the placement of this sign.

Christos C. Katsifis, owner of the Americana Diner, and Mark Shane his attorney came forward to present their request for a permanent lease for the land for which he presently holds a temporary use and occupancy agreement with the Borough. He is developing the land next to the Americana Diner, which is in East Windsor, and needs to formalize a long-term lease with the Borough before East Windsor will approve the plan. There was discussion and it was decided that Council would like comments from the Planning Board and Environmental Commission prior to moving forward with a lease agreement. Once this is received, Council would like them to come back to a future meeting to discuss the matter.

The Mayor opened Public Comment Period I and the following individuals spoke during the period: Phyllis Deal, 305 Stockton Street; Gail Doran, 201 Hutchinson Street; Eugene Sarafin, 628 S. Main Street; and Scott Caser, 12 Clover Lane.

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

Resolution 2011-139 Authorizing an Agreement for Formal Dam Inspection – Lippincott Jacobs Engineering

The Mayor reviewed this resolution and Darek Hahn, Greenway Walking Bridge Chairperson, gave a brief overview of the bridge committee's status. There was discussion as to what the possible cost for repair could be if it is needed. Council President McGinty requested that this resolution be tabled until the Engineer submits an estimate of what needed repair could cost.

Councilmember Gilmartin moved to table resolution 2011-139, Councilmember Woods seconded. All approved.

Resolution 2011-139 has been tabled.

Resolution 2011-140 Authorizing an Agreement for Sludge Removal – Accurate Waste Removal Services

Councilmember Gilmartin moved resolution 2011-140, Council President McGinty seconded.

Roll Call Vote: Council members Bibens, Gilmartin, McGinty, Quattrone and Woods voted yes.

Resolution adopted, 5-0.

Resolution 2011-140

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

**RENEWING A CONTRACT FOR SLUDGE REMOVAL, TRANSPORTATION, DELIVERY
AND DISPOSAL – ACCURATE WASTE REMOVAL SERVICES**

WHEREAS, four (4) bids were received on November 4, 2010 for sludge removal, transportation, delivery and disposal for the Advanced Wastewater Treatment Plant (AWWTP) in Hightstown Borough; and

WHEREAS, pursuant to resolution 2010-252, the Borough Council awarded a six (6) month contract for the sludge removal, transportation, delivery and disposal to the low bidder, Accurate Waste Removal Services of Lake Hopatcong, New Jersey at a per unit price of \$0.113 per gallon with a total contract price of \$96,954.00; and

WHEREAS, the Borough reserved the right to renew this contract for three (3) additional six (6) month terms with the original term beginning January 1, 2011; and

WHEREAS, the Borough Engineer has recommended that said contract be renewed for an additional six (6) month period at a per unit price of \$0.113 per gallon with a total contract price of \$96,954.00; and

WHEREAS, funds will be made available in the 2011 budget for said expenditure;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the contract for sludge removal, transportation, delivery and disposal is hereby renewed for an additional six (6) month period with Accurate Waste Removal Services of Lake Hopatcong, New Jersey effective July 1, 2011.

Ordinance 2011-03 First Reading and Introduction: Bond Ordinance Providing for the Acquisition, Construction and Installation of Various Facilities, Structures and Equipment for the Sewer Utility in and by the Borough of Hightstown, in the County of Mercer, New Jersey, Appropriating \$2,083,000 Therefor and Authorizing the Issuance of \$2,083,000 Bonds or Notes of the Borough for Financing the Cost Thereof.

Councilmember Gilmartin moved for the introduction of ordinance 2011-03, Councilmember Woods seconded.

Mayor Kirson reviewed the need for this ordinance and there was discussion. Council President McGinty was concerned that the copies of the ordinances that are in the paper packets are legal size documents printed on letter size paper, thus the bottom portion of each page is missing. The Clerk apologized and stated that the complete ordinance was posted on line and on the bulletin board; other Councilmembers confirmed that they had read the ordinance on line and were not concerned with the paper copies being shorted.

Roll Call Vote: Council members Bibens, Gilmartin, Quattrone and Woods voted yes; Council President McGinty voted no.

Ordinance introduced, 4-1; Public Hearing to be held on June 6, 2011.

Ordinance 2011-03

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

BOND ORDINANCE PROVIDING FOR THE ACQUISITION, CONSTRUCTION AND INSTALLATION OF VARIOUS FACILITIES, STRUCTURES AND EQUIPMENT FOR THE WATER SEWER UTILITY IN AND BY THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$2,083,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,083,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING 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"). For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$2,083,000. No down payment is required as the purpose authorized herein is deemed self-liquidating and the obligations authorized herein are deductible from the gross debt of the Borough, as more fully explained in Section 6(e) of this ordinance.

Section 2. In order to finance the cost of the improvement or purpose, negotiable bonds are hereby authorized to be issued in the principal amount of \$2,083,000 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 the acquisition, construction and installation of various facilities, structures and equipment for the water sewer utility, consisting of post chlorination, water treatment filter, water filtration media, variable frequency drivers, sludge rotary fan press, trickling filter, secondary digester, bar screen and primary clarifier and related improvements, including all related costs and expenditures incidental thereto and further including all work and materials necessary therefor and 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 self-liquidating purpose of a municipal public utility. No part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 20 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 \$2,083,000, but that the net debt of the Borough determined as provided in the Local Bond Law is not increased by this bond ordinance. The obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$274,375 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.

(e) This bond ordinance authorizes obligations of the Borough solely for purposes described in N.J.S.A. 40A:2-7(h). The obligations authorized herein are to be issued for a purpose that is deemed to be self-liquidating pursuant to N.J.S.A. 40A:2-47(a) and are deductible from gross debt pursuant to N.J.S.A. 40A:2-44(c).

Section 7. Any grant moneys received for the purpose described in Section 3(a) hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 8. The Borough hereby declares the intent of the Borough to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 8 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 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 2011-04 First Reading and Introduction: Bond Ordinance Providing for the Refurbishment of Water Tanks for the Water Utility in and by the Borough of Hightstown, in the County of Mercer, New Jersey, Appropriating \$100,000 Therefor and Authorizing the Issuance of \$100,000 Bonds or Notes of the Borough for Financing the Cost Thereof.

Council President McGinty moved to table this ordinance until the June 6th meeting, there was no second. Mayor Kirson reviewed the need for this ordinance and there was discussion.

Councilmember Gilmartin moved for the introduction of ordinance 2011-04, Councilmember Quattrone seconded.

Roll Call Vote: Council members Bibens, Gilmartin, Quattrone and Woods voted yes; Council President McGinty voted no.

Ordinance introduced, 4-1; Public Hearing to be held on June 6, 2011.

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

BOND ORDINANCE PROVIDING FOR THE REFURBISHMENT OF WATER TANKS FOR THE WATER UTILITY IN AND BY THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$100,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$100,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING 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"). For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$100,000. No down payment is required as the purpose authorized herein is deemed self-liquidating and the obligations authorized herein are deductible from the gross debt of the Borough, as more fully explained in Section 6(e) of this ordinance.

Section 2. In order to finance the cost of the improvement or purpose, negotiable bonds are hereby authorized to be issued in the principal amount of \$100,000 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 refurbishment of water tanks at Leshin Lane and 1st Avenue for the Water Utility, including all work and materials necessary therefor and 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 self-liquidating purpose of a municipal public utility. 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
May 16, 2011

reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 40 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 \$100,000, but that the net debt of the Borough determined as provided in the Local Bond Law is not increased by this bond ordinance. The obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$5,000 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.

(e) This bond ordinance authorizes obligations of the Borough solely for purposes described in N.J.S.A. 40A:2-7(h). The obligations authorized herein are to be issued for a purpose that is deemed to be self-liquidating pursuant to N.J.S.A. 40A:2-47(a) and are deductible from gross debt pursuant to N.J.S.A. 40A:2-44(c).

Section 7. Any grant moneys received for the purpose described in Section 3(a) hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 8. 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 9. 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 10. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Ordinance 2011-05 First Reading and Introduction: Bond Ordinance Providing for the Milling and Paving Program for Various Roads in and by the Borough of Hightstown, in the County of Mercer, New Jersey, Appropriating \$432,000 Therefor and Authorizing the Issuance of \$432,000 Bonds or Notes of the Borough for Financing the Cost Thereof.

Councilmember Quattrone moved for the introduction of ordinance 2011-05, Councilmember Gilmartin seconded.

Mayor Kirson reviewed the need for this ordinance and there was discussion. Council President McGinty reiterated her concern that the bottom of the ordinance pages were missing on the paper copies in their packets.

Roll Call Vote: Council members Bibens, Gilmartin, McGinty, Quattrone and Woods voted yes.

Ordinance introduced, 5-0; Public Hearing to be held on June 6, 2011.

Ordinance 2011-05

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

**BOND ORDINANCE PROVIDING FOR THE MILLING AND PAVING
PROGRAM FOR VARIOUS ROADS IN AND BY THE BOROUGH OF
HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY,
APPROPRIATING \$432,000 THEREFOR AND AUTHORIZING THE ISSUANCE
\$432,000 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:

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 \$432,000, including a grant expected to be received from the State of New Jersey Department of Transportation in the amount of \$290,000 (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.

In order to finance the cost of the improvement or purpose and in anticipation of the State Grant referred to in Section 1 hereof, negotiable bonds are hereby authorized to be issued in the principal amount \$432,000 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.

(a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is for the Milling and Paving Program for various roads, consisting of Mechanic Street, Reed Street, Purdy Street, Chamberlin Avenue, Wilson Avenue and Reverend Powell Drive, including all work and materials necessary therefore and 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 therefore.

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 benefited 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 \$432,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$54,000 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 2011-06 First Reading and Introduction: An Ordinance Amending and Supplementing Chapter 2, "Administration," of the Revised General Ordinances of the Borough of Hightstown, New Jersey to Establish a New Section 2-47 Thereof, to be Entitled "Defense and Indemnification of Public Employees in Civil Actions"

Council President McGinty recused herself from all discussion and vote on this ordinance.

Councilmember Gilmartin moved for the introduction of ordinance 2011-06, Councilmember Quattrone seconded.

Roll Call Vote: Council members Bibens, Gilmartin, and Quattrone voted yes; Councilmember Woods abstained and Council President McGinty was recused.

Ordinance introduced, 3-0, with two abstentions; Public Hearing to be held on June 6, 2011.

Ordinance 2011-06

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

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 2, "ADMINISTRATION," OF THE "REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN, NEW JERSEY," TO ESTABLISH A NEW SECTION 2-47 THEREOF, TO BE ENTITLED "DEFENSE AND INDEMNIFICATION OF PUBLIC EMPLOYEES IN CIVIL ACTIONS."

WHEREAS, a municipality may make, amend, repeal and enforce ordinances not contrary to the laws of the State of New

Jersey or the United States, as deemed necessary and proper for good government, order and protection of persons and property in accordance with N.J.S.A. 40:48-2; and

WHEREAS, it has been determined by the Mayor and Council of the Borough of Hightstown (the “Borough”) that the Borough is authorized pursuant to N.J.S.A. 59:10-4 to provide for the defense and indemnification of its public employees; and

WHEREAS, the Mayor and Council of the Borough desire to so provide through the adoption of an ordinance establishing the standards and procedures for the defense of civil actions against and the indemnification of the Borough’s public employees.

NOW, THEREFORE, BE IT ORDAINED, by the Governing Body of the Borough of Hightstown, County of Mercer, State of New Jersey, that Chapter 2, “Administration,” of the “Revised General Ordinances of the Borough of Hightstown, New Jersey,” is hereby amended and supplemented in order to establish a new Section 2-47 thereof, to be entitled “Defense and Indemnification of Public Employees in Civil Actions,” as follows:

Section 2-47

DEFENSE AND INDEMNIFICATION OF PUBLIC EMPLOYEES IN CIVIL ACTIONS

Subsection 2-47.1 Intent.

It is the intent and purpose of this Ordinance to provide for the defense and indemnification of public employees, as defined herein, in civil actions in accordance with the provisions of this Section.

Subsection 2-47.2 Definitions.

For the purposes of this Section, unless the context clearly indicates a different meaning, the following words and phrases shall have the meanings set forth:

- a. *Insurance:* Coverage afforded by insurance policies of every kind, whether the premiums are paid for by the Borough, the public employee or someone on their behalf.
- b. *Public Employee:* Any current or former elected or appointed official, officer or member of the boards, agencies and commissions of the Borough of Hightstown, or any employee or servant of the Borough, whether or not compensated or part-time, who is authorized by the Borough to perform any act or service; provided, however, that this term does not include independent contractors.

Subsection 2-47.3 Provision of Defense.

The Borough shall provide for the defense of any civil action brought against, and the indemnification of, a public employee, as permitted by N.J.S.A. 59:10-4, on account of any act or omission arising out of or incidental to the good faith performance of their duties, and this obligation shall extend to any complaint, counterclaim, crossclaim or cross complaint against such public employee, unless excepted by the terms set forth in Subsection 2-47.5 below.

Subsection 2-47.4 Procedures.

- a. If a public employee is served with any summons, complaint, process, notice, demand or pleading in any civil action, the public employee shall deliver the original or copy of same to the Borough Clerk within ten (10) calendar days after the time the public employee is served with the same.
- b. The Borough will first notify its insurance carrier of the civil action and request that said insurance carrier provide a defense for the public employee. If the Borough’s insurance carrier agrees to provide a defense, then the Borough’s obligation to do so shall be automatically delegated to the Borough’s insurance carrier with no further formal action needed by the Borough.
- c. If the Borough’s insurance carrier declines to provide a defense, the Borough Council shall nevertheless agree to provide a public employee with the necessary defense of any civil action brought against the public employee,

except in those circumstances where the Borough Council has determined that any of the exceptions referenced in Subsection 2-47.5 below are applicable.

- d. Upon approval by the Borough Council of a public employee's request to provide a defense, the public employee shall select an attorney from a list of attorneys provided by the Borough within ten (10) calendar days of the Borough Council's approval of the defense of the public employee. The rates of the attorneys contained within the said list shall be previously approved by the Borough. The Borough shall in no event be responsible for the cost of attorney's fees incurred by anyone unless it shall agree in writing to the terms of the representation.
- e. If the public employee fails to select an attorney from the list of attorneys provided by the Borough within the ten (10) calendar day period stated above, or if the public employee elects not to utilize the procedures set forth herein for the appointment of counsel, then the Borough shall neither provide a defense to, nor provide indemnification of, the public employee.

Subsection 2-47.5 Exceptions to Defense of Civil Actions.

The provisions of this Section shall not be applicable when the Borough Council has determined that:

- a. The act or omission was not within the scope of or incidental to the employment or duties of the public employee;
- b. The act or omission was the result of actual fraud, actual malice, willful misconduct or an intentional wrong;
- c. The defense of the civil action or proceeding is provided for by insurance, whether obtained by the Borough or by any other person;
- d. The legal action has been brought by the Borough itself against the public employee, or the defense of the civil action or proceeding would create a conflict of interest between the Borough and the public employee;
- e. The legal action is a criminal or disciplinary action;
- f. The public employee failed to deliver to the Borough Clerk, within ten (10) calendar days after the time the public employee is served with any summons, complaint, process, notice, demand or pleading, the original or a copy of the same; or
- g. The public employee has failed to cooperate fully with the defense.

Subsection 2-47.6 Indemnification.

- a. In any case where the Borough is required to provide a defense under this Section, the Borough shall indemnify and pay, or shall reimburse the public employee for, the following:
 - 1. Any bona fide settlement agreement entered into by the Borough on behalf of the public employee.
 - 2. Any judgment entered against the public employee.
- b. However, nothing in this Section shall authorize the Borough to indemnify public employees for punitive or exemplary damages.
- c. In any case where the Borough would be required to provide a defense under this Section, except for the fact that such defense is provided for by insurance, the Borough shall provide indemnification as aforesaid, but only to the extent that liability exists which is not covered by insurance and where not excepted by the terms of Subsection 2-47.5 above or by any other provision set forth in this Section.

BE IT FURTHER ORDAINED, that if any section, paragraph, subdivision, clause or provisions of this Ordinance shall be adjusted invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause, or provision as adjudged and

the remainder of this Ordinance shall be deemed valid and effective.

BE IT FURTHER ORDAINED, that all other Ordinances and provisions thereof that are inconsistent with the provisions of this Ordinance shall be and are hereby repealed to the extent of such inconsistency.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect immediately upon its adoption and publication in accordance with the law.

Council President McGinty returned to the dais.

Ordinance 2011-07 First Reading and Introduction: An Ordinance Regarding Constructing Additions and/or Decks to Existing Single-Family Dwellings, Amending and Supplementing Section 28-28, Subsection 28-28-2(j), Entitled “Continuation; Enlargement; Rebuilding; Change of Use,” of Chapter 28, “Zoning,” of the Revised General Ordinances of the Borough of Hightstown, New Jersey

Council President McGinty moved for the introduction of ordinance 2011-07 with an amendment to delete the words “may be” in (j.), Councilmember Gilmartin seconded.

Council President McGinty requested that the sample drawing submitted to the Planning Board, by the Zoning Officer, be included in the packet for the June 6th meeting to assist the public in their understanding of the ordinance.

Roll Call Vote: Council members Bibens, Gilmartin, McGinty, Quattrone, and Woods voted yes.

Ordinance introduced as amended, 5-0; Public Hearing to be held on June 6, 2011.

Ordinance 2011-07

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

AN ORDINANCE REGARDING CONSTRUCTING ADDITIONS AND/OR DECKS TO EXISTING SINGLE-FAMILY DWELLINGS, AMENDING AND SUPPLEMENTING SECTION 28-28, SUBSECTION 28-28-2(j), ENTITLED “CONTINUATION; ENLARGEMENT; REBUILDING; CHANGE OF USE,” OF CHAPTER 28, “ZONING,” OF THE “REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN, NEW JERSEY.”

WHEREAS, the Hightstown Borough Planning Board and Zoning Officer have recommended that certain provisions be incorporated into the Hightstown Borough Code in order to allow for uniformity with conforming and non-conforming lots; and

WHEREAS, the Hightstown Borough Council has agreed with the Planning Board and Zoning Officer’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:

1. Section 28-28, Subsection 28-28-2(j), entitled “Continuation; Enlargement; Rebuilding; Change of Use,” of Chapter 28, “Zoning,” 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 (deletions are shown with ~~Strikeout~~):

Subsection T28-28-2T Continuation; Enlargement; Rebuilding; Change of Use.

a. Except as provided in paragraph e. below, any type of nonconforming use of buildings or land may be continued indefinitely but:

1. Shall not be enlarged or structurally altered, extended or placed on a different portion of the lot or parcel of land occupied by such use on November 6, 1978, or any applicable amendment thereof, nor shall any external evidence of such use be increased by any means whatsoever, except whereby through such alteration it is changed to a conforming use.

2. Shall not be changed to another nonconforming use without a variance from the Planning Board.

3. Shall not be reestablished after the physical operation thereof has ceased for a period of over six (6) months for any reason. Intent to resume active operation of a nonconforming use after cessation thereof shall not confer the right to do so.

b. Except as provided in paragraph d. below, no building which houses a nonconforming use shall be:

1. Structurally altered or enlarged.
2. Moved to another location where such use continues to be nonconforming.
3. Changed back to a nonconforming use if once changed to a use permitted in the district in which it is located.

c. Any nonconforming use or structure existing at the time of the passage of this chapter may be continued upon the lot or in the structure so occupied and any such structure may be repaired in the event of partial destruction thereof. If restoration of such structure is not substantially completed within the six (6) month period from the date of partial destruction, the physical operation of the nonconforming use of such structure shall be deemed to have ceased, unless such nonconforming use shall have been carried on without interruption in the undamaged portion of such structure.

d. Any building, housing a conforming use which does not conform to other than use regulations as set forth in this chapter may be rebuilt if damaged but shall not be altered or enlarged so as to increase the degree of nonconformity thereof.

e. Nothing in this section shall be deemed to prevent normal maintenance and repair of any building or the carrying out, upon issuance of a building permit, of major structural alterations or demolitions necessary in the interest of public safety. In granting such a permit, the Construction Official shall state precise reasons to the Planning Board why such alterations were deemed necessary.

f. To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this chapter and upon which actual building construction has been carried on diligently. Actual construction shall be hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner.

g. Where excavation, demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation, demolition or removal shall be deemed to be actual construction, provided that the work shall be carried on diligently.

h. All the foregoing provisions relating to nonconforming uses and buildings shall apply to all nonconforming uses and buildings existing on November 16, 1978, and to all uses and buildings that become nonconforming by reason of any amendment thereof, but not to any use established or building erected in violation of law, regardless of the time of establishment or erection.

i. Existing nonconforming conditions, including but not limited to inadequate lot size or yards and excess coverage, may be continued, but the degree of nonconformity may not be increased without securing a variance. No building may be constructed on a lot less than the minimum size for its district, even if preexisting, without securing a variance.

j. Additions to existing single-family dwellings and/or decks ~~may be constructed on existing buildings on lots less than the minimum size for their district if any such addition or decks do not themselves violate any of the yard requirements for that district. Additions to existing single-family dwellings and permitted accessory buildings which would extend into the required front, side or rear yards shall be permitted if the following conditions are met:~~

1. The existing and proposed residential use is permitted in the zone in which it is located.
2. The total lot coverage, off-street parking, garage and building height requirements of the applicable zone are met.
3. The existing residential structure does not reduce any required setback by more than fifty (50%) percent and the proposed setback of any addition does not increase any yard setback deficiency of the existing dwelling.
4. The length (front yard to rear yard) of the proposed violation of any side yard does not exceed thirty-five (35') feet.
5. All other applicable zone requirements affected by this proposed addition are met, except that existing lot area and lot width deficiencies shall not require variances, provided that all other requirements of this section are met.

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.

Ordinance 2011-08 First Reading and Introduction: An Ordinance Regarding LED (Light Emitting Diode) Signs, Amending and Supplementing Section 29-5, Entitled "Prohibited Signs," of Chapter 29, "Signs," of the Revised General Ordinances of the Borough of Hightstown, New Jersey

Councilmember Quattrone moved for the introduction of ordinance 2011-08, Council President McGinty seconded.

There was discussion regarding how this ordinance would be enforced and whether businesses would be grandfathered. It was suggested that this ordinance be reviewed as part of the Master Plan Re-Examination process before Council takes action. After discussion, Councilmember Quattrone withdrew his motion and Council President McGinty withdrew her second.

Council President McGinty moved to table ordinance 2011-08, Councilmember Gilmartin seconded.

Roll Call Vote: Council members Bibens, Gilmartin, McGinty, Quattrone, and Woods voted yes.

Ordinance tabled; 5-0.

Resolution 2011-141 Amending the 2011 Introduced Budget

Council President McGinty moved resolution 2011-141, Councilmember Quattrone seconded.

George Lang, Chief Financial Officer, reviewed the amendment and the process for adoption.

Roll Call Vote: Council members Bibens, Gilmartin, McGinty, Quattrone and Woods voted yes.

Resolution adopted, 5-0.

Resolution 2011 - 141

BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY

AMENDING THE 2011 BUDGET

WHEREAS, the local municipal budget for the year 2011 was approved on the 21st day of March 2011; and

WHEREAS, the public hearing on said budget has been held as advertised, and

WHEREAS, it is desired to amend said approved budget, now

THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Hightstown, County of Mercer, that the following amendments to the approved budget of 2011 be made:

	(((
	(Selena Bibens	(<i>Abstained</i>	(
Recorded	(Skye Gilmartin	<i>Nays</i>	(
Vote	(Isabel McGinty	(
	(Lawrence Quattrone	((J. Michael Vanderbeck
	(Lynne Woods	(<i>Absent</i>	(

		<u>From</u>	<u>To</u>
CURRENT FUND - ANTICIPATED REVENUES			
GENERAL REVENUES			
1.	Surplus Anticipated	\$ 260,000.00	\$ 287,950.00
	Total Surplus Anticipated	\$ 260,000.00	\$ 287,950.00
3.	Miscellaneous Revenues:		
	Section F: Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services - Public and Private Revenues Offset with Appropriations:		
	Clean Communities Program	\$ -	\$ 7,520.26
	Total Section F: Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services - Public and Private Revenues	\$ 5,518.84	\$ 13,039.10
Summary of Revenues			
1	Surplus Anticipated	260,000.00	287,950.00
3.	Miscellaneous Revenues:		
	Total Section F: Special Items of General Revenue Anticipated With Prior Written Consent of Director of Local Government Services - Public and Private Revenues	\$ 5,518.84	\$ 13,039.10
	Total Miscellaneous Revenues	\$ 1,385,148.84	\$ 1,392,669.10
5.	Subtotal General Revenues (Items 1, 2, 3, and 4)	\$ 1,995,148.84	\$ 2,030,619.10
7.	Total General Revenues	\$ 6,273,052.84	\$ 6,308,523.10
CURRENT FUND APPROPRIATIONS			
8.	GENERAL APPROPRIATIONS		
	(A) Operations - Within "CAPS"		
	GENERAL GOVERNMENT		
	Mayor and Council		
	Salaries and Wages	\$ 30,000.00	\$ 26,250.00
	Financial Administration		
	Salaries and Wages	77,600.00	73,600.00
	Legal Services		
	Other Expenses	105,000.00	125,000.00

	Engineering		
	Other Expenses	20,200.00	54,700.00
	Municipal Court		
	Salaries and Wages	130,201.00	126,401.00
	Police Department		
	Salaries and Wages	1,308,492.00	1,288,492.00
	Total Operations (Items 8(A)) Within "CAPS"	\$ 4,253,701.00	\$ 4,276,651.00
	Total Operations Including Contingent - Within "CAPS"	\$ 4,253,701.00	\$ 4,276,651.00
	Detail:		
	Salaries and Wages	\$ 2,421,643.00	\$ 2,390,093.00
	Other Expenses (Including Contingent)	\$ 1,832,058.00	\$ 1,886,558.00
(H-1)	Total General Appropriations for Municipal Purposes Within "CAPS"	\$ 4,876,120.00	\$ 4,899,070.00
(A)	Operations - Excluded From "CAPS"		
	Public and Private Programs Offset by Revenues:		
	Clean Communities Program	\$ -	\$ 7,520.26
	Total Public and Private Programs Offset by Revenues	\$ 5,518.84	\$ 13,039.10
	Total Operations - Excluded from "CAPS"	\$ 363,896.84	\$ 371,417.10
	Detail:		
	Other Expenses	\$ 233,315.84	\$ 240,836.10
(D)	Municipal Debt Service - Excluded from "CAPS"		
	Payment of Bond Principal	\$ 240,000.00	\$ 245,000.00
	Total Municipal Debt Service - Excluded from "CAPS"	\$ 424,140.00	\$ 429,140.00
(H-2)	Total General Appropriations for Municipal Purposes Excluded From "CAPS"	\$ 866,932.84	\$ 879,453.10
(O)	Total General Appropriations - Excluded from "CAPS"	\$ 866,932.84	\$ 879,453.10
(L)	Subtotal General Appropriations (Items (h-1) and (O))	\$ 5,743,052.84	\$ 5,778,523.10
9.	Total General Appropriations	\$ 6,273,052.84	\$ 6,308,523.10

SUMMARY OF APPROPRIATIONS

(H-1)	Total General Appropriations for Municipal Purposes Within "CAPS"	\$ 4,876,120.00	\$ 4,899,070.00
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(A)	Operations - Excluded From "CAPS"		
	Public and Private Programs Offset by Revenues	5,518.84	13,039.10
	Total Operations - Excluded From "CAPS"	\$ 363,896.84	\$ 371,417.10
(D)	Municipal Debt Service	\$ 424,140.00	\$ 429,140.00
	Total General Appropriations	\$ 6,273,052.84	\$ 6,308,523.10

BE IT FURTHER RESOLVED, that two certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services for certification of the local municipal budget so amended.

BE IT FURTHER RESOLVED, that this amendment, in accordance with the provisions of N.J.S.A. 40A:4-9, be published in Trenton Times in the issue of May 25, 2011 and that said publication contain notice of public hearing on said amendment to be held at the Council Chambers on June 6, 2011, at 7:30 o'clock P.M.

It is hereby certified that this is a true copy of a resolution amending the budget, adopted by the governing body on the 16th day of May, 2011.

SO RESOLVED, as aforesaid.

Council President McGinty requested that resolutions 2011-78 & 2011-79 be done together. All agreed.

Resolution 2011-78 and 2011-79

Council President McGinty moved resolution 2011-78 & 2011-79, Councilmember Woods seconded.

Roll Call Vote: Council members Bibens, Gilmartin, McGinty, Quattrone and Woods voted yes.

Resolutions adopted, 5-0.

Resolution 2011-78

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

AUTHORIZING ISSUANCE OF TAXI OWNER'S LICENSE – ECUA TAXI

WHEREAS in accordance with Section 4-21.4 of the *Revised General Ordinances of the Borough of Hightstown*, applications for a taxicab owner's license for 2011 has been submitted by Carlos W. Quiridumbay (Ecua Taxi) for the following vehicles:

Vehicle Description

2003 Yellow Chrysler Town & Country
VIN # 2C4GT54L93R192908
Plate # OXZ7798

together with payment of the required fees; and

WHEREAS the application has been reviewed by the Hightstown Police Department and the company found to be in good standing to be approved by the Borough Council to operate within this jurisdiction; and

WHEREAS, said approval is dependent upon compliance with zoning regulations regarding operation of business location, said compliance to be determined by the Zoning Officer.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Police Department is hereby authorized to issue a 2011 taxicab owner's license to Ecua Taxi, 510 Route 130, Store #B-3B, East May 16, 2011

Windsor, New Jersey for the one vehicle as set forth herein.

Resolution 2011-79

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

AUTHORIZING ISSUANCE OF TAXI DRIVER'S LICENSES – ECUA TAXI

WHEREAS in accordance with Section 4-21.5 of the *Revised General Ordinances of the Borough of Hightstown*, applications for taxicab driver's licenses for 2011 have been submitted by the following driver for Ecu Taxi:

Carlos W. Quiridumbay

together with payment of the required fees; and

WHEREAS the applications have been reviewed by the Hightstown Police Department and the driver found to be in good standing to be approved by the Borough Council to operate within this jurisdiction.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Police Department is hereby authorized to issue 2011 taxicab driver's licenses to Carlos W. Quiridumbay as set forth herein.

Resolution 2011-80 Authorizing Issuance of a Taxi Owner's License – Karina Taxi

Councilmember Gilmartin moved resolution 2011-80, Councilmember Woods seconded.

There was discussion and Council President McGinty cited concerns regarding her review of the application. Clerk Sopronyi stated it was important that the Council have confidence in the staff to be responsible for the duties for which they are charged.

Roll Call Vote: Council members Bibens, Gilmartin, Quattrone and Woods voted yes; Council President McGinty voted no.

Resolution adopted, 4-1.

Resolution 2011-80

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

AUTHORIZING ISSUANCE OF TAXI OWNER'S LICENSE – KARINA TAXI

WHEREAS in accordance with Section 4-21.4 of the *Revised General Ordinances of the Borough of Hightstown*, applications for a taxicab owner's license for 2011 has been submitted by Maria C. Nieves (Karina Taxi) for the following vehicles:

Vehicle Description

2003 Pontiac Montana Mini Van
VIN # 51GMDX03E63D126957
Plate # OXZ3930

2001 Pontiac Montana Mini Van
VIN # 31GMDX03E410329679
Plate # OXZ3945

2005 Pontiac Montana Mini Van
VIN # 21GMDV33E25D115190
Plate # OXZ4553

2003 Pontiac Montana Mini Van
VIN # 1GMDX03E23D193149
Plate # OXZ7796

together with payment of the required fees; and

WHEREAS the following vehicle is found to not be in compliance due to the lack of omnibus registration and is therefore not included in said licensing

2005 Pontiac Montana Mini Van
VIN #1GMDV23E85D112434
Plate #YGR51U

; and

WHEREAS the application has been reviewed by the Hightstown Police Department and the company found to be in good standing to be approved by the Borough Council to operate within this jurisdiction.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Police Department is hereby authorized to issue a 2011 taxicab owner's license to Karina Taxi, 510 Route 130, Store #B-2A, East Windsor, New Jersey for four vehicles as set forth herein.

Resolution 2011-81 Authorizing Issuance of a Taxi Driver's License – Karina Taxi

Councilmember Quattrone moved resolution 2011-81, Councilmember Bibens seconded.

There was discussion and Council President McGinty raised concerns cited concerns regarding her review of the application.

Roll Call Vote: Council members Bibens, Gilmartin, Quattrone and Woods voted yes; Council President McGinty voted no.

Resolution adopted, 4-1.

Resolution 2011-81

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

AUTHORIZING ISSUANCE OF TAXI DRIVER'S LICENSES – KARINA TAXI CORP.

WHEREAS in accordance with Section 4-21.5 of the *Revised General Ordinances of the Borough of Hightstown*, applications for taxicab driver's licenses for 2011 have been submitted by the following drivers for Karina Taxi:

Maria C. Nieves

Manuel A. Arias

Angel P. Naulaguari-Vivar

together with payment of the required fees; and

WHEREAS the applications have been reviewed by the Hightstown Police Department and the drivers found to be in good standing to be approved by the Borough Council to operate within this jurisdiction.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Police Department is hereby authorized to issue 2011 taxicab driver's licenses to Maria C. Nieves, Manuel A. Arias and Angel P. Naulaguari-Vivar as set forth herein.

Resolution 2011-83 Authorizing Issuance of a Taxi Driver's License – Mega Taxi

Councilmember Quattrone moved resolution 2011-83, Councilmember Gilmartin seconded.

Council President McGinty raised concerns cited concerns regarding her review of the application and discussion ensued regarding the need to revise the ordinance and application regarding taxi licensing.

Roll Call Vote: Council members Bibens, Gilmartin, Quattrone and Woods voted yes; Council President McGinty voted no.

Resolution adopted; 4-1.

Resolution 2011-83

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

AUTHORIZING ISSUANCE OF TAXI DRIVER'S LICENSE – MEGA TAXI

WHEREAS in accordance with Section 4-21.5 of the *Revised General Ordinances of the Borough of Hightstown*, applications for taxicab driver's license for 2011 have been submitted by the following drivers for Mega Taxi:

Elsa Guzhnay

together with payment of the required fees; and

WHEREAS the applications have been reviewed by the Hightstown Police Department and the drivers found to be in good standing to be approved by the Borough Council to operate within this jurisdiction.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Police Department is hereby authorized to issue 2011 taxicab driver's licenses to Guzhnay as set forth herein.

Resolution 2011-84 Authorizing Issuance of a Taxi Owner's License – Mega Taxi

Councilmember Quattrone moved resolution 2011-84, Councilmember Woods seconded.

Council President McGinty raised concerns cited concerns regarding her review of the application.

Roll Call Vote: Council members Bibens, Gilmartin, Quattrone and Woods voted yes; Council President McGinty voted no.

Resolution adopted; 4-1.

Resolution 2011-84

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

AUTHORIZING ISSUANCE OF TAXI OWNER'S LICENSE – MEGA TAXI

WHEREAS in accordance with Section 4-21.4 of the *Revised General Ordinances of the Borough of Hightstown*, applications for a taxicab owner's license for 2011 has been submitted by Cesar Guzhnay-Bernal (Mega Taxi) for the following vehicles:

Vehicle Description
2004 Mercury Grand Marquis VIN # 2MEFM74W34X625536 Plate # OXZ2820

together with payment of the required fees; and

WHEREAS the following vehicle is found to not be in compliance due to the lack of lettering on the vehicle and that the registration has the color of the vehicle as white while the vehicle is green, and is therefore not included in said licensing

2002 Green Toyota Sienna VIN #4T32ZF190720477130 Plate #OXZ2262

; and

May 16, 2011

WHEREAS the application has been reviewed by the Hightstown Police Department and the company found to be in good standing to be approved by the Borough Council to operate within this jurisdiction.

WHEREAS, said approval is dependent upon proof of operation from the address listed in the application and this resolution, in compliance with zoning regulations regarding operation of business location, said compliance to be determined by the Zoning Officer.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Police Department is hereby authorized to issue a 2011 taxicab owner's license to Mega Taxi, 510 Route 130, Store #B-2B, East Windsor, New Jersey for one vehicle as set forth herein.

Resolution 2011-86 Authorizing Issuance of a Taxi Owner's License – Pepito Taxi

Councilmember Gilmartin moved resolution 2011-86, Councilmember Bibens seconded.

Council President McGinty motioned to amend the identification number for the 2002 Ventura vehicle on the resolution. Discussion ensued and Council requested that this VIN number be confirmed, and if needed changed, prior to certification of this resolution. There was no second to the amendment.

Roll Call Vote: Council members Bibens, Gilmartin, Quattrone and Woods voted yes; Council President McGinty voted no.

Resolution adopted, 4-1 pending confirmation of the VIN number.

Resolution 2011-86

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

AUTHORIZING ISSUANCE OF TAXI OWNER'S LICENSE – PEPITO TAXI

WHEREAS in accordance with Section 4-21.4 of the *Revised General Ordinances of the Borough of Hightstown*, applications for a taxicab owner's license for 2011 has been submitted by Jose B. Leon (Pepito Taxi) for the following vehicles:

Vehicle Description
2003 Red Dodge Caravan VIN # 52D4GP44L93K300638 Plate # OXZ6801
2002 Red Chevrolet Venture VIN # 41GNDX13E72D209008 Plate #OXZ6800
2003 Red Dodge Grand Caravan 22D4GP44343R149952 Plate #OXZ6602
2003 Red Chrysler Town and Country VIN # 52C4GP24333R250546 Plate #OXZ6603

together with payment of the required fees; and

WHEREAS the application has been reviewed by the Hightstown Police Department and the company found to be in good standing to be approved by the Borough Council to operate within this jurisdiction.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Police Department is hereby authorized to issue a 2011 taxicab owner's license to Pepito Taxi, 403 Kellington Drive, East Windsor,

New Jersey for four vehicles as set forth herein.

Resolution 2011-87 Authorizing Issuance of a Taxi Driver's License – Pepito Taxi

Council President McGinty moved resolution 2011-87, Councilmember Gilmartin seconded.

There was discussion.

Roll Call Vote: Council members Bibens, Gilmartin, McGinty, Quattrone and Woods voted yes.

Resolution adopted, 5-0.

Resolution 2011-87

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

AUTHORIZING ISSUANCE OF TAXI DRIVER'S LICENSES – PEPITO TAXI

WHEREAS in accordance with Section 4-21.5 of the *Revised General Ordinances of the Borough of Hightstown*, applications for taxicab driver's licenses for 2011 have been submitted by the following drivers for Pepito Taxi:

Jose B. Leon Laura N. Chimbo-Zhuzhingo Edgar V. Chicaiza Maria D. Aspuac

together with payment of the required fees; and

WHEREAS the applications have been reviewed by the Hightstown Police Department and the drivers found to be in good standing to be approved by the Borough Council to operate within this jurisdiction.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Police Department is hereby authorized to issue 2011 taxicab driver's licenses to Jose B. Leon, Laura N. Chimbo-Zhuzhingo, Edgar V. Chicaiza, and Maria D. Aspuac as set forth herein.

Resolution 2011-123 Authorizing a Waiver for Permit Fees – Hightstown East Windsor Historical Society

Council President McGinty recused herself from discussion and vote on this resolution, but inquired of the Attorney as to whether establishing a policy for this type of resolution is being researched.

Councilmember Bibens moved resolution 2011-123, Councilmember Woods seconded.

Roll Call Vote: Council members Bibens, Gilmartin, Quattrone and Woods voted yes; Council President McGinty was recused.

Resolution adopted, 4-0, with one abstention.

Resolution 2011-123

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

AUTHORIZING A WAIVER FOR PERMIT FEES

WHEREAS, the Hightstown-Eat Windsor Historical Society located at 164 North Main Street in Hightstown Borough has replaced a gas heater in the Sara Hutchinson West Educational Center freight station; and

WHEREAS, it has been requested that the fees associated with the permits required for this purchase and installation be waived; and

WHEREAS, all inspections and other requirements associated with this purchase and installation shall be/have been conducted and/or completed as required.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Hightstown, that Borough permit fees associated with applying for the permit for the purchase and installation of a gas heater to the Sara Hutchinson West Educational Center freight station, under the direction of the Hightstown-East Windsor Historical Society, shall be waived.

Council President McGinty returned to the dais.

Resolution 2011-125 Supporting A-3412 Sharing the Burden of Property Assessment Appeal Refunds

Councilmember Gilmartin moved resolution 2011-125, Councilmember Woods seconded.

There was discussion.

Roll Call Vote: Council members Bibens, Gilmartin, Quattrone and Woods voted yes; Council President McGinty voted no.

Resolution adopted, 4-1.

Resolution 2011- 125

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

RESOLUTION SUPPORTING A-3412 SHARING THE BURDEN OF PROPERTY ASSESSMENT APPEAL REFUNDS

WHEREAS, when County Tax Board appeals are granted the municipality must reimburse the property taxpayer 100% of the appealed tax levy, which includes the municipal, school, county and any special districts tax; and

WHEREAS, the municipal tax collector makes the adjustment from the appeal as a credit on the 4th quarter tax bill resulting in the municipality's fund balance for the preceding year to diminished , if not completely depleted; and

WHEREAS, a recent League of Municipalities' survey has measured the extent to which residents have filed and won tax appeals in 2010; and

WHEREAS, one hundred fifty (150) municipalities, representing all both large and small municipalities in all 21 counties, that participated in the survey reported property value declines of more than \$87,900,000, which resulted from 19,788 tax appeals filed in 2010; and

WHEREAS, those responding to the survey indicated that 13,760 appeals were filed in 2009, compared to 19,788 in 2010, representing an increase of 43.7%; and

WHEREAS, a municipality often experiences an increase in tax appeals because they have conducted a revaluation, however, only 5 of the 150 municipalities, which participated in our survey, indicated that their 2010 appeals resulted from revaluations; and

WHEREAS, as a way of comparison, 23 of the participating municipalities conducted revaluations in 2009, when fewer tax appeals were presented to the County Tax Boards; and

WHEREAS, the 2010 spike in appeals should be attributed to the economic down-turn, which lowered property values and placed increased stress on the income of homeowners, all around our Garden State; and

WHEREAS, the survey also indicated that in 2010 the various County Tax Boards have granted average property value reductions of close to \$5,000, per appeal; and

WHEREAS, fifty-six percent of those responding indicated that the successful tax appeals would have an impact on fund balances and place additional pressures on local officials during 2011; and

WHEREAS, although the survey was a snapshot picture in time, it can be used to project what might follow in 2011, since the reductions, which were granted by County Tax Boards in 2010, will have a multiplier effect when neighbors learn of

Animal Control	-
Law Enforcement Trust	-
Housing Rehab Loans	-
Unemployment Trust	-
Escrow	2,542.40
Total	\$ 1,595,684.39

Resolution 2011-143 Authorizing Emergency Temporary Appropriations Prior to the Adoption of the 2011 Budget

Councilmember Quattrone moved resolution 2011-143, Council President McGinty seconded.

Roll Call Vote: Council members Bibens, Gilmartin, McGinty, Quattrone and Woods voted yes.

Resolution adopted, 5-0.

Emergency Temporary #8

Resolution 2011-143

Current Fund

Clerk	Other Expenses	\$ 1,000.00
Data Processing	Other Expenses	2,000.00
Police Department	Other Expenses	10,000.00
Pol, Fire, Radio Comm	Other Expenses	500.00
Sanitation	Other Expenses	5,000.00
Public Bldgs and Grounds	Other Expenses	2,000.00
Vehicle Maintenance p/w	Other Expenses	1,500.00
Rec & Open Space Pk Com	Other Expenses	1,000.00
Street Lighting	Other Expenses	6,000.00
Telephone	Other Expenses	1,000.00
Landfill Solid Waste Disposal	Other Expenses	10,000.00
Sr. citizen Prog Serv Ctr	Other Expenses	4,000.00
Workers Comp Insurance	Other Expenses	5,520.00

TOTAL CURRENT **\$ 49,520.00**

Water & Sewer Budget **\$ 200,000.00**

Resolution 2011-144 Authorizing a Gray Water Agreement

Councilmember Quattrone moved resolution 2011-144, Councilmember Woods seconded.

There was discussion.

Roll Call Vote: Council members Bibens, Gilmartin, McGinty, Quattrone and Woods voted yes.

Resolution adopted, 5-0.

May 16, 2011

Resolution 2011-144

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

**AUTHORIZING AGREEMENT FOR ACCEPTANCE AND PROCESSING OF
SEPTIC WASTE WATER, GRAY WATER AND/OR FATS AND GREASE – CHAMPION SEPTIC**

WHEREAS, Champion Septic of Lakewood, New Jersey has requested the use of the Borough of Hightstown Advanced Wastewater Treatment Plant for delivery of septic waste water, gray water and/or fats and grease; and,

WHEREAS, their request has been reviewed and approved by the Superintendent of the Advanced Wastewater Treatment Plant, and they have submitted a signed agreement along with the required Certificate of Insurance;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the agreement with Champion Septic for acceptance and processing of septic waste water, gray water and/or fats and grease is hereby approved, and the Mayor and Borough Clerk are authorized to execute same.

Resolution 2011-145 Authorizing Application for Recycling Tonnage Grant

Councilmember Gilmartin moved resolution 2011-145, Council President McGinty seconded.

Roll Call Vote: Council members Bibens, Gilmartin, McGinty, Quattrone and Woods voted yes.

Resolution adopted as amended, 5-0.

Resolution 2011-145

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

AUTHORIZING APPLICATION FOR A RECYCLING TONNAGE GRANT

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c. 102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection and Energy has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including, but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for the 2010 tonnage grant will memorialize the commitment of this municipality to recycling, and will indicate the assent of the Mayor and Council of the Borough of Hightstown to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations;

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

1. The Borough of Hightstown hereby endorses the submission of a 2010 recycling tonnage grant application to the New Jersey Department of Environmental Protection.

2. Ken Lewis, Public Works Superintendent, 148 North Main Street, Hightstown, New Jersey 08520, is hereby designated and directed to ensure that the application is properly completed and timely filed;
3. Monies received from the recycling tonnage grant shall be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

Resolution 2011-146 Authorizing Release of Performance Bond and Escrow – Cumberland Farms

Councilmember Woods moved resolution 2011-146, Council President McGinty seconded.

Roll Call Vote: Council members Bibens, Gilmartin, McGinty and Woods voted yes; Councilmember Quattrone abstained.

Resolution adopted as amended, 4-0 with one abstention.

Resolution 2011-146

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

**AUTHORIZING RELEASE OF PERFORMANCE GUARANTEE AND RELEASE OF AMOUNTS
REMAINING IN ESCROW – CUMBERLAND FARMS**

WHEREAS, in April 2008, Cumberland Farms, Inc. posted a performance guarantee with the Borough of Hightstown in the amount of \$7,285.00 in the form of a bond and cash in the amount of \$809.40, along with escrow monies relative to a temporary soil and groundwater remediation system; and

WHEREAS, Cumberland Farms has requested the release of said performance bond and escrow; and

WHEREAS the Construction Official has inspected the project and has approved said project; and

WHEREAS, the release of the performance bond and escrow funds are subject to payment of all outstanding fees and accounts.

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

1. The Clerk is authorized and directed to release to Cumberland Farms the performance bond held relative to the Planning Board application as detailed herein.
2. The Treasurer is authorized and directed to release to Cumberland Farms the cash portion of the performance bond and all of the amounts remaining in the escrow account for this project, subject to certifications from the Borough's professionals that all amounts due to them for this project have been fully paid.
3. A certified copy of this Resolution shall be provided to the following:
 - a. Cumberland Farms
 - b. Janice Mohr-Kminek, Treasurer
 - c. Susan Jackson, Planning Board Secretary
 - d. Carmela Roberts, Borough Engineer
 - f. Gary Rosensweig, Planning Board Attorney

Discussion took place regarding establishing a policy for contacting Professionals. It was reviewed that there previously had been a policy that all contacts with Professionals would go through the Administrator and/or Borough Clerk. There was concern expressed regarding the high amounts on the recent bills received from the Professionals and Council President McGinty asked for clarification as to what bills to which they were referring. The Mayor clarified that the bills from the Professionals were very high in the recent past and the 2011 budget had to be increased. There was discussion regarding issues that should and should not be sent to the Borough Attorney for review. There was a comment that Council should think twice before calling the Professionals and should call more upon the professional staff for the answers to some of their questions. It was decided that this matter will be discussed at a future date, after the Administrator position was filled.

The Mayor gave an update on police enforcement and advised that Councilmember Vanderbeck is the Liaison to the Construction office and is looking at code enforcement matters to be addressed.

The Mayor opened Public Comment Period II and the following individuals spoke during the period: Fran Palumbo, 101 Main Street; John Archer, 131 Bennett Place; and Darek Hahn, 102 Manlove.

Council/Mayor/Administrative Comments

Councilmember Woods – stated that she was glad the PAWS Walk was a success, it was a very nice event; and she is looking forward to the upcoming “Taste of Hightstown” event. Councilmember Woods then commented that she has been watching the progress of the War Memorial and it is impressive. She informed Council that the last Water/Sewer meeting was cancelled.

Councilmember Quattrone –stated that the last Memorial Day Parade Committee meeting will be held tomorrow night and everything appears to be in order; Shoprite is donating the food for the end of the parade at the VFW. He then advised that Public Works has a truck down.

Councilmember Bibens – commented that she attended the Parks & Recreation meeting last week and they have a lot going on; the Farmers Market issue with the businesses has been settled and they are fine with the market. She remarked that she is looking forward to the Taste of Hightstown event and Memorial Day Parade; and the PAW Walk was very nice, everyone is talking about it.

Councilmember Gilmartin– thanked the volunteers of Hightstown Borough for all their hard work and dedication.

Council President McGinty – thanked the volunteers of Hightstown Borough for all their hard work. She commented employees who perform inspections need identification and that the public comment period should be held twice at each meeting, including workshops. She continued that she has concerns regarding the amount budgeted for overtime and that the cost of running the court is also an issue. Council President McGinty then noted that a resident has sent several e-mails regarding housing issues and she hopes that it is being addressed; that Council should be reviewing the taxi license applications that have been filed and the issue with contacting professional consultants should be further discussed.

Mayor Kirson – commented that the PAWS Walk was very nice and that such events make him proud to be a Hightstown resident. He then advised the public that Councilmembers have thoroughly reviewed the budget and he is well pleased with the outcome. The Mayor remarked that a member of the Environmental Commission donated and planted a tree in Association Park; there are great people in Hightstown.

Clerk Sopronyi – apologized to Council and the public for her lack of restraint when making her statement about Council having confidence in the staff of the Borough.

Councilmember Bibens moved to adjourn the meeting at 10:55 pm, Councilmember Gilmartin seconded; the Motion was approved unanimously.

Respectfully Submitted,

Debra L. Sopronyi

Borough Clerk