

Meeting Minutes
Hightstown Borough Council
Regular Meeting
September 4, 2012

6:00 pm

The meeting was called to order by Mayor Kirson at 6:05 pm and he read the Open Public Meetings Act statement which stated, "Adequate notice of this meeting has been given in accordance with the Open Public Meetings Act, pursuant to Public Law 1975, Chapter 231. Said notice was sent to the *Trenton Times* and the *Windsor-Hights Herald*, and is posted in the Borough Clerk's office."

The flag salute followed Roll Call.

	PRESENT	ABSENT
<i>Councilmember Bibens</i>	✓ 6:15PM ARRIVAL	
<i>Councilmember Bluth</i>	✓	
<i>Councilmember Doran</i>	✓	
<i>Councilmember Quattrone</i>	✓	
<i>Councilmember Thibault</i>	✓	
<i>Councilmember Woods</i>	✓	
<i>Mayor Kirson</i>	✓	

Also in attendance: Debra Sopronyi, Borough Clerk; Michael Theokas, Borough Administrator; and Frederick Raffetto, Borough Attorney.

Resolution 2012-217 Authorizing a Meeting Which Excludes the Public

Council President Quattrone moved resolution 2012-217, Councilmember Woods seconded.

Councilmember Bluth moved to amend resolution 2012-217 to add contract negotiations, shared services, Councilmember Woods seconded.

Roll Call Vote: Council members Bluth, Doran, Quattrone, Thibault and Woods voted yes; Councilmember Bibens was absent.

Resolution amended, 5-0.

Mayor Kirson called for a roll call vote on the amended resolution.

Roll Call Vote: Council members Bluth, Doran, Quattrone, Thibault and Woods voted yes; Councilmember Bibens was absent.

Resolution adopted as amended, 5-0

Resolution 2012-217

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 September 4, 2012 at approximately 6:00 pm in the First Aid Building located on Bank Street, Hightstown that will be limited only to consideration of an item or items with respect to which the public may be excluded pursuant to section 7b of the Open Public Meetings Act.

September 4, 2012

The general nature of the subject or subjects to be discussed:

Personnel – Municipal Court

Assessor

Borough Clerk

Contract Negotiations – Shared Services

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: December 4, 2012 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.

The public meeting was called to order by Mayor Kirson at 7:31 pm and he again read the Open Public Meetings Act statement.

The Flag Salute followed Roll Call. Councilmember Bibens was now in attendance.

George Lang, CFO; James LeTellier, Police Director and Carmela Roberts, Borough Engineer joined the meeting at this time.

Councilmember Bluth asked that the agenda be amended to move the Hurricane Irene update to before Borough Hall discussion; Councilmember Woods asked that the executive meeting minutes of August 8, 2012 be pulled from the agenda; and Councilmember Doran asked that the executive meeting minutes of August 8, 2012 be pulled from the agenda.

Councilmember Woods moved the amended agenda for approval, Councilmember Bibens seconded.

Roll Call Vote: Council members Bibens, Bluth, Doran, Quattrone, Thibault and Woods voted yes.

Agenda approved as amended.

Council President Quattrone moved the minutes of the August 6, 2012 executive meeting for approval, Councilmember Bluth seconded.

Roll Call Vote: Council members Bibens, Bluth, Doran, Quattrone, and Woods voted yes. Councilmember Thibault abstained because he was recused from the executive session on August 6, 2012.

Minutes approved.

Councilmember Thibault corrected the vote on resolution 2012-196 from the minutes of August 6, 2012; noting that he abstained.

Council President Quattrone moved the minutes of the August 6, 2012 open meeting as amended for approval, Councilmember Bibens seconded.

Roll Call Vote: Council members Bibens, Bluth, Doran, Quattrone, Thibault, and Woods voted yes.

Minutes approved as amended.

Councilmember Doran asked that the word demolished be used in the minutes of the August 8, 2012; and Councilmember Thibault noted that the Development Committee he mentioned was in West Orange, not Edison.

Councilmember Woods moved the minutes of the August 8, 2012 special open meeting as amended for approval, Council President Quattrone seconded.

Roll Call Vote: Council members Bibens, Bluth, Doran, Quattrone, Thibault, and Woods voted yes.

Minutes approved as amended.

Councilmember Doran moved the minutes of the August 20, 2012 open session for approval, Councilmember Bluth seconded.

September 4, 2012

Roll Call Vote: Council members Bibens, Bluth, Doran, Quattrone, Thibault, and Woods voted yes.

Minutes approved.

Resolution 2012-218 Authorizing Payment #3 and Final – Brentwood Industries, Inc. (Trickling Filter Plastic Media)

Councilmember Woods moved Resolution 2012-218, Councilmember Doran seconded.

The Borough Engineer explained that this project transitioned the media for the trickling filter from rock to plastic, increasing the surface area which produces cleaner water; and it is working well.

Roll Call Vote: Council members Bibens, Bluth, Doran, Quattrone, Thibault, and Woods voted yes.

Resolution adopted 6-0.

Resolution 2012-218

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

**AUTHORIZING PAYMENT # 3 AND FINAL – BRENTWOOD INDUSTRIES, INC.
(TRICKLING FILTER PLASTIC MEDIA)**

WHEREAS, on January 17, 2012, the Borough Council awarded a contract for Trickling Filter Plastic Media to Brentwood Industries, Inc. of Reading, Pennsylvania in the amount of \$116,870.00; and

WHEREAS, the contractor has submitted payment request #3 Final for work done in the total amount of \$2,337.40; and

WHEREAS, the Borough Engineer has recommended approval of payment #3 Final to Brentwood Industries, Inc. in the amount of \$2,337.40; and

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that Payment Request No. 3 Final from Brentwood Industries, Inc. of Reading, Pennsylvania in the amount of \$2,337.40 is hereby approved as detailed herein, and the Treasurer is authorized to issue same.

Traffic Issues

Police Director LeTellier addressed Council recounting his previous recommendation that a three-way stop be installed at Heron and Morrison. He noted that they monitored the traffic at ten miles per hour tolerance. He went on to note that they monitored over 21,000 vehicles travelling at this intersection during a seven day period and this traffic will increase once school starts. The Police Director then reviewed the report distributed to Council and concluded that there is a huge volume of traffic in this residential area which is near the schools and it creates unsafe conditions for pedestrians and drivers.

There was discussion regarding the process necessary to implement a three-way stop at this intersection and the Borough Engineer advised that since Morrison is a multi-municipality roadway it will require DOT approval to implement the change. Discussion continued regarding notifying the residents in the area of the installation of the new stop pattern, as a courtesy.

The Police Director advised that he will next perform a traffic count and evaluation of Stockton Street, and noted the volume of traffic on Dutch Neck Road.

There was additional discussion regarding crossing guards and the use of Special Officers for the task because they have the authority to direct traffic.

The Attorney and Engineer were directed to move forward by taking the steps necessary to get approval for a three-way stop at the intersection; and the Police Director was directed to send out the letters of notification to the residents of the area.

Hurricane Irene Update

September 4, 2012

Mr. Theokas advised Council that there was a meeting with FEMA regarding the flood maps and Councilmember Woods attended, he deferred that information to her for dissemination to Council. He went on to inform that there have been no new reimbursements received and a determination by the insurance company is still pending.

Councilmember Woods stated that the new flood map process was stalled at the County and it is predicted that the 2008 version will be adopted. She then suggested that the Borough apply for LOMA (Letter of Map Amendment) to expedite the change of the maps for Hightstown to a period of 2 to 3 months, rather than a year; the LOMA be helpful with getting the maps effective retroactively and in any appeals filed due to the situation.

Carmela Roberts, Borough Engineer, explained that the LOMA would only be for Borough Hall and that the remainder of property in the Borough would stay in the flood zone until all maps are adopted. She went on to advise that she will perform a survey at the Borough Hall site to establish what portion(s) of the land is lower than flood elevations.

Borough Hall

Mayor Kirson noted that this discussion item is on the agenda per Council's request at the special workshop meeting.

Councilmember Thibault reviewed the options as presented at previous meetings and the FEMA and insurance claims. Discussion ensued regarding whether the Borough would qualify for the LOMA status change. Councilmember Bluth requested that FEMA and a representative from the insurance company come to a future meeting to address the public.

Discussion continued and included possible reimbursement from FEMA for our insurance deductible; the value of the present Borough Hall; bringing the present Borough Hall up to code; which option is most cost effective; mitigation (non-structural) of Borough Hall; control over the rug mill property and its re-development; staying within the footprint of the current Borough Hall and Planning Board participation in the process.

Mayor Kirson noted that he does not understand how keeping Borough Hall downtown would re-vitalize the downtown area, but noted that it is a Council decision.

Council President Quattrone expressed concern that tying the rug mill property to downtown is a consideration for its re-development.

Councilmember Thibault cited the GHEWIP Study in which they state that retail business would need residential property to be a success. He went on to state that it would cost upwards of \$4M to buy into the Lucas property and it is the most expensive option; we need to take the cheapest option.

Frederick Raffetto, Borough Attorney, advised Council that they will need to adopt a resolution of their policy determination on location and forward it to the Planning Board so they can determine if the decision is in compliance with the Master Plan of the Borough. Council directed Mr. Raffetto to prepare the resolution for the September 18th meeting, then it can be sent to them for a determination at their October meeting.

The Borough Engineer was excused from the meeting at this time.

Mayor Kirson opened Public Comment Period I and the following individuals spoke:

Phyllis Deal, 305 Stockton Street – commented on the traffic issues as discussed, and the lack of property maintenance to the house next door to hers.

Gary Lucas, 14 Maple Avenue – commented that he is shocked that Council does not know how much money they will be getting from the claims and he is concerned with removing the Lucas property from the tax base; Downtown does not work, we should become part of East Windsor; Council should not be making a decision on Borough Hall until they know how much money they have.

George Zhelesnik, 7 Ely Court – suggested the Borough purchase the Lucas property and then sell part of it to re-coup the tax revenue; rent trailers for the staff temporarily. He is concerned with the Borough making this decision without knowing how much money they are receiving.

Bill Gilmore, 219 Greeley Street – commented that downtowns are a thing of the past and suggested that Council not ignore this opportunity; Council needs a vision for Hightstown before they make this decision.

Mike Vanderbeck, 344 Stockton Street – noted that he is a big proponent of downtown and the resurgence of re-vitalization, but the public is willing to give the Council time to make sure they do this correctly, it is an important decision.

Denny Hansen, 211 Grant Avenue – inquired as to what the rush is to make such a big decision when Council does not have valid numbers on what they are getting for the claims; the decision on where and what services will be offered will have a huge impact on the Borough and Council needs to look at the entire picture. She noted that a rushed decision does not show a vision for the future. Available money, Master Plan compliance, and the police department situation should have an impact on the decision; government should be downsized; Borough Hall should not be located in a flood zone.

Kathy Gravely, 40 Westerlea Avenue – noted that Council has had lengthy discussions at special meetings and staff should be temporarily moved to trailers. She then commented that Westerlea Avenue is a speed zone and there is a need for speed bumps and police presence in the area.

Scott Caster, 12 Clover Lane – commented that Council is consumed with Borough Hall but should be considering the bicycle on the sidewalk issue for pedestrian safety, the ordinance needs to be enforced. He then noted that Crossing Guards are a part of the budget issue and they should be paid for by the school.

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

Ordinance 2012-11 Final Reading and Public Hearing – An Ordinance Amending and Supplementing Chapter 2 Entitled “Administration”, Section 2-55, Entitled “Fees for Municipal Services”, of the “Revised General Ordinances of the Borough of Hightstown, New Jersey.”

Mayor Kirson opened the public hearing on Ordinance 2012-11, there being no comments, the public hearing was closed.

Councilmember Woods moved to adopt ordinance 2012-11, Councilmember Bibens seconded.

Roll Call Vote: Council members Bibens, Bluth, Doran, Quattrone, Thibault, and Woods voted yes.

Ordinance adopted 6-0.

Ordinance 2012-11

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

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 2 ENTITLED “ADMINISTRATION”,
SECTION 2-55, ENTITLED “FEES FOR MUNICIPAL SERVICES,” OF THE “REVISED GENERAL
ORDINANCES OF THE BOROUGH OF HIGHTSTOWN, NEW JERSEY.”**

WHEREAS, the Mayor and Council wish to amend certain provisions contained within Chapter 2, Section 2-55 of the Borough Code relating to enforcement and penalties as set forth herein.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Borough Council of the Borough of Hightstown, in the County of Mercer and State of New Jersey, that Chapter 2, Section 2-55 of the “Revised General Ordinances of the Borough of Hightstown, New Jersey” is hereby amended and supplemented as follows (additions are shown with underline; deletions are shown with ~~strikeout~~):

Section 2-55

FEES FOR MUNICIPAL SERVICES

Subsections:

- 2-55.1 Inspection of Public Records.**
- 2-55.2 Fees for Copies.**
- 2-55.3 Copying by Person Requesting Documents.**

- 2-55.4 Denial of Examination of Records.**
- 2-55.5 Firearms Applications and Permits.**
- 2-55.6 Returned Check Charge.**
- 2-55.7 Fees for Notary Services.**

Subsection 2-55.1 Inspection of Public Records.

In accordance with the provisions of N.J.S.A. 47:1A-2, all records which are required by law to be made, maintained or kept on file by any board, body, agency, department, commission, authority or official of the Borough shall be deemed to be public records. Every citizen of the State shall have the right to inspect such records during regular business hours maintained by the custodian thereof. Every citizen of the State shall also have the right, during regular business hours and under the supervision of the representative of the custodian, to copy such records by hand and to purchase copies of the records. Copies of records shall be made available upon the payment of the price established by law. (Ord. No. 19-1994)

Subsection 2-55.2 Fees for Copies.

The following fees shall be charged for copies of public documents:

- a. For copies of public documents on letter-size or legal-size paper, fees shall be charged in accordance with those listed in N.J.S.A. 47:1A-5(b).
- b. For oversized copies of public documents, the actual cost incurred in making the copy shall be charged. If the document must be copied by another source, e.g. a printer, for duplication, the actual cost paid by the Borough shall be paid by the requestor.
- c. There shall be no charge for electronic transmission of documents via fax or e-mail.
- d. For certified copies of birth certificates, marriage certificates, death certificates, domestic partnership certificates, or depositions, twenty (\$20.00) dollars per certified copy.
- e. Municipal Court discovery and police accident reports
 1. All requests for discovery in matters pending in the Hightstown Municipal Court shall be submitted through the Municipal Prosecutor.
 2. The following fees shall be payable by the requestor to the Borough of Hightstown for the discovery or accident report provided:
 - i. For documents on letter-size or legal-size paper, fees shall be charged in accordance with those listed in N.J.S.A. 47:1A-5(b)
 - ii. Actual postage for any discovery or accident report sent by mail
 - iii. \$.25 for the envelope for any discovery or accident report sent by mail
 - iv. Photographs will be photocopied at the rates established herein. If requests are made for duplicate photographs, the actual cost of making the photographs shall be charged.
 - v. Duplication of video tapes constitutes an extraordinary duplication process and will be charged at the rate of \$5.00 per video tape.

- vi. For any item that cannot be photocopied on the Borough's copy machine or for any item not otherwise provided for in this schedule, the actual cost incurred in making the copy shall be charged.
 - vii. Where the discovery must be obtained from an entity other than the Borough of Hightstown, e.g. another police department, the actual costs paid to the other entity shall be paid by the requestor.
 - viii. There shall be no charge to persons over the age of 65 for discoveries or police accident reports.
- f. For duplicate tax, water and sewer bills, five (\$5.00) dollars each.
- g. For a certificate as to approval of subdivisions, as follows:
- 1. When the property described in the application is shown on the Assessment Map subdivided into Borough lots and does not exceed five thousand (5,000) square feet in area, three (\$3.00) dollars, and for each additional five thousand (5,000) square feet in area or fraction thereof, an additional fifty (\$0.50) cents.
 - 2. When the property is shown on the Assessment Map as acreage or is so assessed and lies wholly within the limits of a single block, three (\$3.00) dollars, and if within the limits of two (2) or more blocks, an additional one (\$1.00) dollar for each block.
 - 3. When the property described in the application is or has been subdivided and assessed as more than one (1) item, an additional fee of one (\$1.00) dollar shall be allowed for each subdivision separately assessed.
 - 4. Five (\$5.00) dollars shall be the maximum charge for a certificate covering lands lying wholly within one (1) block as shown on the Assessment Map of the Borough, unless there is a subdivision of proprietorship indicated by the assessment.
- h. For a certificate as to approval of subdivision within three (3) years from the date of the original search, one (\$1.00) dollar per year.
- i. For official searches for municipal liens (tax searches) or for improvements authorized but not assessed, ten (\$10.00) dollars.
- j. For a continuation of an official search for municipal liens or for a continuation of an official search for improvements authorized but not assessed, two (\$2.00) dollars per year.
- k. For a duplicate tax sale certificate, one hundred (\$100.00) dollars.
- l. For a full copy of the Revised General Ordinances of the Borough of Hightstown, one hundred (\$100.00) dollars.
- m. For a full copy of the Borough's Master Plan, one hundred and ninety-five (\$195.00) dollars.
- n. For a copy of an audio or video tape, the actual cost of the media and duplication thereof.

(Ord. No. 19-1994; Ord. No. 1998-12 § 1(A)--(E); Ord. No. 2003-32; Ord. No. 2004-03; Ord. No. 2004-13; Ord. No. 2005-09; Ord. No. 2008-09; Ord. No. 2010-17)

Subsection 2-55.3 Copying by Person Requesting Documents.

Where the document in question is more than one hundred (100) pages in length, the Clerk may permit the person requesting copies to use his own copying machine, provided that there is no risk of damage or mutilation of the document and it would not be compatible with the transaction of public business. Such determination shall be completely within the discretion of the Clerk.

The fee in such case shall be fifteen (\$15.00) dollars per day. (Ord. No. 19-1994)

Subsection 2-55.4 Denial of Examination of Records.

Notwithstanding the provisions of subsection 2-33.1, where it appears that the records which are sought to be examined pertain to an investigation in progress by any body, agency, commission, board, authority or official, the right of examination may be denied if the inspection, copying or publication of the records would be inimical to the public interest, provided that this provision shall not be construed to prohibit any body, agency, commission board, authority or official from opening such records to public examination if not otherwise prohibited by law. (Ord. No. 19-1994)

Subsection 2-55.5 Firearms Applications and Permits.

The following fees will be charged as determined by the State of New Jersey:

Federal and State Applicant Card	\$49.00
Mental Health	\$15.00
Firearms purchaser identification card	\$5.00
Permit to purchase a pistol or revolver	\$2.00
<u>SBI Names Check</u>	

~~(New)~~

Subsection 2-55.6 Returned Check Charge.

A fee of ~~twenty-five (\$25.00) dollars~~ will be charged for any check returned to the Borough ~~unpaid~~ for insufficient funds at the maximum allowable rate in accordance with N.J.S.A. 40:5-18. (Ord. No. 1998-12 § 1(F); Ord. No. 2008-09)

Subsection 2-55.7 Fees for Notary Services.

A fee of two dollars and fifty cents (\$2.50) will be charged per signature notarized for each of the following services:

- a. Administering an oath/affirmation
- b. Executing a jurat
- c. Taking proof of a deed (proof of execution)
- d. Taking an acknowledgement

BE IT FURTHER ORDAINED, that all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies; and

BE IT FURTHER ORDAINED, that 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 the remaining portions of this Ordinance shall be deemed severable therefrom and shall not be affected; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect on upon final passage and publication in accordance with the law.

Ordinance 2012-15 First Reading and Introduction – Bond Ordinance Providing for the Acquisition and Installation of Equipment in and by the Borough of Hightstown, in the County of Mercer, New Jersey, Appropriating \$35,000 Therefor and Authorizing the Issuance of \$33,300 Bonds or Notes of the Borough of Hightstown to Finance Part of the Cost Thereof

September 4, 2012

Council President Quattrone moved to introduce ordinance 2012-15, Councilmember Woods seconded.

Mayor Kirson reviewed the ordinance and noted that it applies to Fire Department and First Aid communication equipment. Mr. Theokas explained that resolution 2012-220 on this evening's agenda is for the approval of a grant for which this bond will cover the Borough's obligation. Council President Quattrone advised that this bond is for radios for the Fire Department and an antenna for the First Aid and will expedite response time.

Roll Call Vote: Council members Bibens, Bluth, Doran, Quattrone, Thibault, and Woods voted yes.

Ordinance adopted 6-0; Final Reading and Public Hearing to be held on September 18, 2012.

Ordinance 2012-15

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

**BOND ORDINANCE PROVIDING FOR THE ACQUISITION AND
INSTALLATION OF EQUIPMENT IN AND BY THE BOROUGH OF
HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY,
APPROPRIATING \$35,000 THEREFOR AND AUTHORIZING THE ISSUANCE
OF \$33,300 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 \$35,000, including the sum of \$1,700 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.

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 \$33,300 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 the acquisition and installation of an antenna for First Aid Dispatch and communication equipment for the Fire Department, 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.

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 September 4, 2012

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 \$33,300, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$3,000 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 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 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 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 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 2012-219 Payment of Bills

Councilmember Woods requested that Item E0578 be pulled and voted separately.

Council President Quattrone moved Resolution 2012-219 without item E0578, Councilmember Bibens seconded.

Councilmember Thibault requested, and received, clarification regarding cable, phones and taxi sign invoices; Councilmember Bluth commented on the price of the Fire Department dive gear and the need for same.

Roll Call Vote: Council members Bibens, Bluth, Doran, Quattrone, Thibault and Woods voted yes.

September 4, 2012

Councilmember Bibens moved items E0578 on the bills list, Councilmember Doran seconded.

Roll Call Vote: Council members Bibens, Bluth, Doran, Quattrone, and Thibault voted yes, Councilmember Woods abstained.

Resolution adopted 5-0 with one abstention.

Resolution 2012-219

BOROUGH OF HIGHTSTOWN

COUNTY OF MERCER

STATE OF NEW JERSEY

AUTHORIZING PAYMENT OF BILLS

WHEREAS, certain bills are due and payable as per itemized claims listed on the following schedules, which are made a part of the minutes of this meeting as a supplemental record;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the bills be paid on audit and approval of the Borough Administrator, appropriate Department Head and the Treasurer in the amount of \$213,327.53 from the following accounts

Current	\$ 61,239.52
W/S Operating	21,467.50
General Capital	115,554.45
Water/Sewer Capital	
Grant	859.25
Trust	918.71
Housing Trust	1,056.00
Animal Control	
Law Enforcement Trust	4,900.60
Housing Rehab Loans	
Unemployment Trust	
Escrow	7,331.50
Federal Forfeiture	
Total	<u><u>\$ 213,327.53</u></u>

Resolution 2012-220 Authorizing Collaboration with Hamilton Fire District No. 2 for 2011 FEMA-AFG (Assistance to Firefighters Grant) Grant Funding to Support the Purchase of New Communications Equipment for Personnel and Vehicles

Councilmember Bibens moved Resolution 2012-220, Councilmember Bluth seconded.

There was discussion regarding the Borough's financial responsibility toward the purchase.

Roll Call Vote: Council members Bibens, Bluth, Doran, Quattrone, Thibault and Woods voted yes.

Resolution adopted 6-0.

Resolution 2012-220

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

AUTHORIZING COLLABORATION WITH HAMILTON FIRE DISTRICT NO. 3 FOR 2011 FEMA-AFG (ASSISTANCE TO FIREFIGHTERS GRANT) GRANT FUNDING TO SUPPORT THE PURCHASE OF NEW COMMUNICATIONS EQUIPMENT FOR PERSONNEL AND VEHICLES

WHEREAS, the Governing Body of the Hamilton Fire District No. 3 is applying for a Regional AFG (Assistance to Firefighters Grant) Program Grant through the Federal Emergency Management Agency AFG Grant Program in the amount of \$2,828,627.00 to support the purchase of new communications equipment for personnel and vehicles; and

WHEREAS, the Hamilton Township Fire District No. 3 is the lead agency in this program and agrees to collect from each participating agency their 20% share of the full match requirement for the grant; and

WHEREAS, the matching funds required on behalf of Hightstown Engine Co. #1 is \$22,630.60; and

WHEREAS, the United States of America has made FEMA-AFG grants available to assist local units to enhance their ability to protect the public and fire service personnel from fire and related hazards; and

WHEREAS, the purpose of this grant is to promote shared services between local units through sharing in a Regional Assistance to Firefighters Grant that would be beneficial to all participating units; and

WHEREAS, Hightstown Borough agrees to cooperate with Hamilton Township Fire District No. 3 in its role as lead agency and to comply with all of the requirements of the grant through Hamilton Township Fire District No. 3.

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

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Mayor and Borough Clerk are hereby authorized to execute a Purchasing Agreement with Hamilton Township Fire District No. 3 for the 2011 FEMA-AFG (Assistance to Firefighters Grant) Regional Grant Funding to purchase new communications equipment for Hightstown Engine Co. #1 in which the Borough shall fund \$22,630.60 as the 20% share of the full match requirement for the grant.

Resolution 2012-221 Authorizing a Refund for the Harvest Fair – Jodi Montano

Council President Quattrone moved Resolution 2012-221, Councilmember Doran seconded.

Roll Call Vote: Council members Bluth, Doran, Quattrone, Thibault, and Woods voted yes; Councilmember Bibens abstained.

Resolution adopted 5-0, with one abstention.

Resolution 2012-221

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

AUTHORIZING A REFUND FOR THE HIGHTSTOWN BOROUGH FAIR – JODI MONTANO

WHEREAS, Jodi Montano paid a vendor fee to participate in the Borough Fair with check #121 in the amount of \$45.00; and
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WHEREAS, \$45.00 was deposited into account #T-12-56-286-000-836; and

WHEREAS, the vendor has canceled their participation in the fair; and

WHEREAS, the Treasurer has requested that a refund in the amount of \$45.00 be issued.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Treasurer is hereby authorized and directed to issue a refund in the amount of \$45.00 to Jodi Montano, 9 Forest Drive, Manalapan, New Jersey 07726, for a vendor fee paid to participate in the Hightstown Borough Fair.

Resolution 2012-222 Authorizing the Borough of Hightstown to Execute a Grievance Settlement Agreement with the Hightstown PBA Local 283

Council President Quattrone moved Resolution 2012-222, Councilmember Bibens seconded.

The Police Director explained that this agreement with the PBA allows the Borough to hire new and/or replacement officers at a starting annual salary of \$45,000.00 through the remainder of the current PBA agreement. He then thanked the PBA for working with the Borough for the safety of the residents. Councilmember Thibault questioned some items in the agreement and it was discovered that the draft was put forth in the packets. The Borough Attorney, Administrator and Clerk assured Council that the proper agreement will be executed.

Roll Call Vote: Council members Bibens, Bluth, Doran, Quattrone, and Woods voted yes; Councilmember Thibault abstained.

Resolution adopted 5-0, with one abstention.

Resolution 2012-222
*BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY*

**AUTHORIZING THE BOROUGH OF HIGHTSTOWN TO EXECUTE A GRIEVANCE
SETTLEMENT AGREEMENT WITH THE HIGHTSTOWN PBA LOCAL 283**

WHEREAS, the Borough of Hightstown (the "Borough") and the Hightstown PBA Local 283 (the "PBA") are parties to a Collective Negotiations Agreement (the "CNA") covering the time period from January 1, 2010 through December 31, 2014; and

WHEREAS, the PBA has objected to certain recent determinations made by the Borough with regard to the salary to be paid to potential new patrol officers who may be hired by the Borough; and

WHEREAS, the PBA believes that the Borough's determinations in this regard are contrary to the requirements set forth in Article XI of the CNA, and has therefore filed a Step 1 grievance (the "grievance") against the Borough pursuant to Article VII of the CNA; and

WHEREAS, on June 29, 2012, the parties (through their respective representatives) met to discuss the grievance and, given the uncertainty and cost associated with further litigation concerning this matter, mutually agreed to settle the said grievance; and

WHEREAS, the terms and conditions associated with the settlement are set forth in a proposed Grievance Settlement Agreement, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the Borough Council believes that it is in the best interests of the Borough to enter into the attached Grievance Settlement Agreement; and

WHEREAS, the proposed settlement does not constitute an admission of any wrongdoing or liability on the Borough's part whatsoever, and is being considered solely to avoid future costs and uncertainty associated with this matter.

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

1. That the Borough hereby authorizes settlement of the Step 1 grievance filed against the Borough by the PBA pursuant to Article VII of the CNA, in accordance with the terms and conditions set forth in the attached Grievance Settlement Agreement.
2. That the Mayor is hereby authorized to execute, and the Borough Clerk to attest, the attached Grievance Settlement Agreement on behalf of the Borough in order to resolve the grievance referenced above.
3. That a certified copy of this Resolution shall be provided to each of the following:
 - a. Hightstown PBA Local 283;
 - b. Eric M. Bernstein, Esq., Borough Labor Counsel;
 - c. Frederick C. Raffetto, Esq., Borough Attorney;
 - d. James K. LeTellier, Borough Police Director; and
 - e. Michael Theokas, Borough Administrator.

Resolution 2012-223 Authorizing a Rights-of-Way Agreement Between Hightstown Borough and with Fibertech Technologies Networks, LLC to Permit the Installation, Use and Maintenance of Telecommunications Facilities Within the Public Rights-of-Way for Purposes of Providing Telecommunications Services

Councilmember Thibault moved Resolution 2012-223, Councilmember Bibens seconded.

Mr. Theokas advised Council that this company is only passing lines through Hightstown on Verizon poles, and this type of agreement is standard in the industry and is procedural; the Borough has several of these types of agreements already in effect.

Roll Call Vote: Council members Bibens, Bluth, Doran, Thibault, and Woods voted yes; Council President Quattrone voted no.

Resolution adopted 5-1.

Resolution 2012-223

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

ACCEPTING THE RIGHTS-OF-WAY AGREEMENT BETWEEN HIGHTSTOWN BOROUGH AND FIBERTECH TECHNOLOGIES NETWORKS, LLC TO PERMIT THE INSTALLATION, USE AND MAINTENANCE OF TELECOMMUNICATIONS FACILITIES WITHIN PUBLIC RIGHTS-OF-WAY FOR PURPOSES OF PROVIDING TELECOMMUNICATIONS SERVICES

WHEREAS, Fiber Technologies Networks, LLC ("Fibertech"), a New York limited liability company, with offices located at 300 Meridian Centre, Rochester, New York, is authorized to provide local exchange and interexchange services throughout the State of New Jersey pursuant to an Order issued by the New Jersey Board of Public Utilities ("NJBPU") in Docket No. TE05080683 dated September 14, 2005; and

WHEREAS, Fibertech has requested consent to occupy rights-of-way with Hightstown for a period of fifty years for the purpose of constructing, installing, operating, repairing, maintaining and replacing a telecommunications system; and

WHEREAS, the Mayor and Council of the Borough of Hightstown have determined that it is in the best interest of Hightstown to enter into a Rights-of-Way Use Agreement with Fiber Technologies Networks, LLC; and

WHEREAS, the granting of such non-exclusive consent is and shall be conditional upon Fibertech's continued compliance with all existing and future ordinances of Hightstown Borough and its entering into a written agreement with Hightstown to, inter alia, indemnify and hold Hightstown Borough harmless as to all claims and liability resulting from any

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injury or damage which may arise from the construction, installation, operation, repair, maintenance, disconnect, replacement and removal of its telecommunications system with certain public right-of-way and provide liability insurance coverage for personal injury and property damage; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Hightstown that non-exclusive consent is hereby granted to Fibertech to the occupy the public rights-of-way within Hightstown Borough for the purpose of construction, installation, operation, repair, maintenance, disconnect, replacement and removal of its telecommunications system for a period of fifty years conditional upon Fibertech entering into an agreement with the Borough and providing liability and property damage insurance coverage.

BE IT FURTHER RESOLVED, the Mayor and Clerk of the Borough of Hightstown are hereby authorized to execute a Rights-of-Way Use Agreement with Fiber Technologies Networks, LLC.

Code enforcement Update

Mr. Theokas reviewed the report distributed to Council and noted that Mr. Sturchio is working approximately 8 to 10 hours per week on maintenance issues. There was discussion regarding the noticeable changes in the Borough since hiring an additional Housing Inspector.

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

Scott Caster, 12 Clover Lane – commented that he has to pay for a parking permit every year and that the Taxi owners should also, the use of the Taxi Stands should not be free for them.

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

Mayor/Council/Administrative Comments and Committee Reports

Councilmember Bibens – reminded everyone that there is a Harvest Fair meeting on Wednesday; thanked Council for adopting the Fire Department grant resolution; Mr. Sturchio is doing a great job; looks forward to more Borough Hall discussions.

Councilmember Thibault – commented that code enforcement and police communications have improved; reviewed the crime rate in Hightstown for the last ten years and noted that there is a downward trend.

Councilmember Woods – acknowledged the great job being done by the Police Director and asked that he relay a message of thanks to the PBA for working with Council to solve the police staffing issue.

Councilmember Doran – was surprised at the number of people who stated they wanted Council to take their time with the Borough Hall decision; she is pleased with the way Council is addressing the matter and the progress made, things are getting done.

Council President Quattrone – thanked the Police Director for his reports, they are valuable; thanked the Borough Administrator and Borough Clerk for their hard work.

Councilmember Woods moved to adjourn at 10:12 pm, Councilmember Bibens seconded. All ayes.

Respectfully Submitted,

Debra L. Sopronyi, RMC
Borough Clerk

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