

**Meeting Minutes
Hightstown Borough Council
Regular Meeting
March 4, 2014
6:30 pm**

The meeting was called to order by Mayor Kirson at 6:30pm 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 Bluth</i>	✓	
<i>Councilmember Doran</i>	✓	
<i>Councilmember Hansen</i>	✓	
<i>Councilmember Misiura</i>	✓	
<i>Councilmember Quattrone</i>	✓	
<i>Councilmember Thibault</i>	✓	
<i>Mayor Kirson</i>	✓	

Also in attendance: Debra Sopronyi, Borough Clerk; Henry Underhill, Borough Administrator; Larry Shapiro, Borough Attorney; and Tamara Lee, Borough Planner.

Resolution 2014-50 Authorizing a Meeting Which Excludes the Public

Councilmember Quattrone moved resolution 2014-50; Council President Bluth seconded.

Roll Call Vote: Council members Bluth, Doran, Hansen, Misiura, Quattrone, and Thibault voted yes.

Resolution adopted 6-0.

Resolution 2014-50

*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 March 4, 2014 at approximately 6:30pm 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.

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

Litigation – Bruckner Southern
Thibault

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: June 4, 2014 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 7:44 pm and he read the Open Public Meetings Act statement.

The Flag Salute followed Roll Call. George Lang, CFO; James LeTellier, Police Director; and Carmela Roberts, Borough Engineer, were now present. Fred Raffetto, Borough Attorney arrived during executive session and was now present. Larry Shapiro, Borough Attorney and Tamara Lee, Borough Planner departed during executive session and were no longer present.

Council President Bluth requested that resolution 2014-48 be added to the consent agenda. Councilmember Thibault requested that resolutions 2014-60, 2014-61 and 2014-62 be pulled from the consent agenda.

Councilmember Quattrone moved the agenda as amended for approval, Councilmember Misiura seconded.

Roll Call Vote: Council members Bluth, Doran, Hansen, Misiura, Quattrone, and Thibault voted yes.

Agenda approved as amended 6-0.

Councilmember Doran moved the January 7, 2014 executive session minutes for approval, Councilmember Thibault seconded.

Roll Call Vote: Council members Bluth, Doran, Hansen, Misiura, Quattrone, and Thibault voted yes.

Minutes approved 6-0.

Greenway Walking Bridge Specifications

Mayor Kirson noted that Darek Hahn, Chair of the Walking Bridge Committee, is present and that the bid proposals received and that there is a resolution on the agenda regarding the matter.

Carmela Roberts, Borough Engineer, noted that she has had a discussion with Darek and that the specifications can be cut back on everything but the bridge, dam footings and ADA compliance. Darek Hahn noted that the Bridge Committee has not met yet and they can discuss the changes at their next meeting. He has spoken with the Bridge Engineer and he has agreed to make himself more available if the project is re-bid. He noted that they will need approximately one month to revise the specifications and bring them back to Council for approval.

Mayor Kirson inquired as to whether the change in bid specifications will produce substantial cost reductions and whether Council is willing to add additional funding if needed. There was discussion and it was decided that the Bridge Committee and Borough Engineer will work on the specifications to determine what possible savings are possible.

The Borough Engineer noted that the work needed on the dam must be done, regardless of whether the bridge is replaced, so this project can be thought of in another way and the two projects can be considered separately. She noted that it will be easier and cost effective to do the dam work at the same time the bridge is done; approximately 10% to 20% of the project cost is related to the dam work. There was discussion and resolution 2014-52 would be revised to reject the bids, but eliminate the re-bid at this time.

Resolution 2014-51 Authorizing Change Order #1 and Payment #3 – Pioneer General Contracting Co., Inc. (Improvements to Grape Run Road and Pershing Avenue)

Councilmember Thibault moved resolution 2014-51, Councilmember Quattrone seconded.

Roll Call Vote: Council members Bluth, Doran, Hansen, Misiura, Quattrone, and Thibault voted yes.

March 4, 2014

Resolution adopted 6-0.

Resolution 2014-51

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

**AUTHORIZING CHANGE ORDER #1 & PAYMENT # 3 – PIONEER GENERAL
CONTRACTING CO., INC. (IMPROVEMENTS TO GRAPE RUN ROAD AND PERSHING
AVENUE)**

WHEREAS, on September 3, 2013 the Borough Council awarded a contract for the Improvements to Grape Run Road and Pershing Avenue to Pioneer General Contracting Co., Inc. of South River, New Jersey in the amount of \$398,950.00; and

WHEREAS, the contractor has submitted change order #1 in the amount of \$13,300.00 for supplemental items related to sanitary sewer and fire hydrant installation; and

WHEREAS, the Borough Engineer has recommended approval of change order #1 in the amount of \$13,300.00; and

WHEREAS, the contractor has submitted payment request #3 related to sanitary sewer and fire hydrant installation, and construction of curb and sidewalk for the project in the total amount of \$26,666.78; and

WHEREAS, the amount of this payment for general construction is \$15,102.78 and for water and sewer related items is \$11,564.00; and

WHEREAS, the Borough Engineer has recommended approval of payment #3 to Pioneer General Contracting Co., Inc. in the amount of \$26,666.78 following receipt of the certified payrolls; 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 Change Order #1 in the amount of \$13,300.00 and Payment Request No. 3 to Pioneer General Contracting Co., Inc. of South River, New Jersey in the amount of \$26,666.78 is hereby approved as detailed herein, and the Treasurer is authorized to issue same.

Resolution 2014-52 Rejecting All Bids for the Peddie Lake Dam Walking Bridge Replacement

There was discussion regarding the change in language in the resolution to eliminate the portion authorizing a re-bid of the project.

Council President Bluth moved resolution 2014-52 as amended, Councilmember Thibault seconded.

Roll Call Vote: Council members Bluth, Doran, Hansen, Misiura, Quattrone, and Thibault voted yes.

Resolution adopted 6-0.

Resolution 2014-52

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

REJECTING ALL BIDS FOR PEDDIE LAKE DAM WALKING BRIDGE REPLACEMENT

March 4, 2014

WHEREAS, ten (10) bids were received on January 28, 2014 for the Peddie Lake Dam Walking Bridge Replacement in Hightstown Borough; and

WHEREAS, all bids received for the Peddie Lake Dam Walking Bridge Replacement exceed the engineer's estimate and the appropriation for this project; and

WHEREAS, the bids have been reviewed by the Borough Engineer and it is the Engineer's recommendation that all bids received for the Peddie Lake Dam Walking Bridge Replacement be rejected in accordance with N.J.S.A. 40A:11-13-2(a) and (b); and

WHEREAS, the Borough Attorney and Qualified Purchasing Agent concur with the Borough Engineer's recommendation; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that all bids received on January 28, 2014 for the Peddie Lake Dam Walking Bridge Replacement in Hightstown Borough are hereby rejected.

Mayor Kirson opened public comment period I and the following individuals spoke:

Phyllis Deal, 305 Stockton Street – commented that Rutgers is doing a bridge and it is less costly than the bids received for the Greenway Bridge.

Keith LePrevost, 213 Greeley Street – commented that the Housing Authority had a security issue where the alarm sounded and while the alarm company responded, the Police did not, even after called. He noted that the Police Director is working with him on the matter, but it has taken over 3 months and he still has not gotten any information on the matter. He then commented regarding the dumping of snow near the lake and Rocky Brook noting that he contacted the Borough and Watershed, but did not get a response, his next step is to notify DEP and the Borough will be fined. He then continued that the Environmental Commission is working on their Sustainable Jersey certification which is good for the Borough; and they are applying for a \$1,500 grant for the Rocky Brook Park trails and for which a resolution will be on the next agenda. They would like the Borough Council to support their grant application.

Eugene Sarafin, 628 S. Main Street – spoke regarding corrupt politics, the lack of ethics, and Governor Christie.

Walter Sikorski, 326 N. Main Street – commented that he has an issue with ordinance 2014-04, noting that it gives police the authority to enter private property.

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

Ordinance 2014-01 First Reading and Introduction - An Ordinance Establishing a Salary Range and the Title of Code Enforcement Officer

Councilmember Thibault moved ordinance 2014-01 for introduction, Council President Bluth seconded.

Roll Call Vote: Council members Bluth, Doran, Hansen, Misiura, Quattrone, and Thibault voted yes.

Ordinance introduced 6-0, Public Hearing to be held March 17, 2014.

Ordinance 2014-01

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

**AN ORDINANCE ESTABLISHING A SALARY RANGE FOR AND THE TITLE OF CODE
ENFORCEMENT OFFICER**

BE IT ORDAINED by the Mayor and Council of the Borough of Hightstown, as follows:

Section 1. The following official employment designations are hereby confirmed and the rate of compensation of each officer and employee of the Borough of Hightstown, excluding longevity, whose compensation shall be on an annual basis, is:

	RANGING FROM:	TO:
Code Enforcement Officer	\$15.00 per hour	\$25.00 per hour

Section 3. This Ordinance shall take effect after final passage and publication as provided by law.

Section 4. The salary range established in this ordinance supersede any established for the same positions in previous salary ordinances, and will remain in effect until changed by the adoption of a new or amending Salary Ordinance.

Ordinance 2014-03 First Reading and Introduction - An Ordinance Amending and Supplementing Section 14-10.1, Entitled "Enforcement Officers," of Chapter 14, Entitled "Property Maintenance," of the "Revised General Ordinances of the Borough of Hightstown"

Councilmember Thibault moved ordinance 2014-03 for introduction, Council President Bluth seconded.

Roll Call Vote: Council members Bluth, Doran, Hansen, Misiura, Quattrone, and Thibault voted yes.

Ordinance introduced 6-0, Public Hearing to be held March 17, 2014.

Ordinance 2014-03

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

**AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 14-10.1,
ENTITLED "ENFORCEMENT OFFICERS," OF CHAPTER 14,
ENTITLED "PROPERTY MAINTENANCE," OF THE
"REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN"**

WHEREAS, the Mayor and Borough Council wish to make certain revisions to the Borough Code relating to Property Maintenance 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 14 of the "Revised General Ordinances of the Borough of Hightstown, New Jersey," is hereby amended and supplemented as follows:

1. That Section 14-10.1, entitled "Enforcement Officers," is hereby amended to add the following:

"This Chapter shall also be enforced by the Code Enforcement Officer, whose position is hereby created, for the sole purpose of enforcing the provisions of this Chapter. The Code Enforcement Officer shall receive such salary as provided by Ordinance and shall be appointed by the Borough Council for a term as specified in the Resolution of Appointment."

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 2014-04 First Reading and Introduction – An Ordinance Amending and Supplementing Chapter 3 Entitled “Police Regulations” of the Revised General Ordinances of the Borough of Hightstown”

Councilmember Thibault moved ordinance 2014-04 for introduction, Councilmember Doran seconded.

Councilmember Thibault explained that this ordinance came to the Board of Health and they originally had concern with the possibility of infringing on cultural drinking with parental consent, but exceptions are noted in the ordinance; several health education, drug and alcohol, and law enforcement organizations are interested in having this ordinance to fill a gap in the state law for underage drinking. The Board of Health vote was unanimous and a majority of municipalities in New Jersey have adopted this ordinance.

Police Director LeTellier explained that there are protections in the ordinance and it is meant for underage drinking parties on private property and will prove to be a positive tool for law enforcement.

Walter Sikorski was recognized by the Mayor. Mr. Sikorski noted his concern with parental responsibility if someone leaves their residence drunk and he is not sure if it is alright to give permission for the police to go on private property.

Eugene Sarafin was recognized by the Mayor. Mr. Sarafin commented that teenagers know that what they are doing is wrong, but arresting them is not the solution.

Councilmember Doran noted that there is a problem in middle and high schools, not just colleges; this would serve as a strong deterrent and will change behaviors.

Council President Bluth questioned whether this ordinance gives the police the authority to arrest or to issue a summons. Police Director LeTellier responded that police would take the underage drinkers to the police station for booking and contact their parents to be released. She then noted that she does not support this ordinance, it gives the police too much authority; it is needed in college towns, not Hightstown.

Councilmember Quattrone commented that he does not support this ordinance. He is concerned with giving police the authority to enter a house where they could find other violations; it would encourage the abuse of power by police and invasion of privacy.

Police Director LeTellier referenced that the schools are behind this ordinance and it gives the police the authority to take appropriate action if called. It is an enforcement tool, and there is this type of problem in Hightstown.

There was further discussion and Council members Thibault and Doran rescinded their motions to introduce this ordinance.

Councilmember Thibault motioned to table ordinance 2014-04 until someone from the Board of Health can be present, Councilmember Doran seconded.

Roll Call Vote: Council members Bluth, Doran, Hansen, Misiura, Quattrone, and Thibault voted yes.

Ordinance tabled 6-0.

March 4, 2014

Ordinance 2014-04

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

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 3 ENTITLED “POLICE REGULATIONS” OF THE “REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN”

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

SECTION 1. Amending Chapter 3 of the Revised General Ordinances of the Borough of Hightstown, creating a section entitled “Alcoholic Beverages; Possession and Consumption by Underage Persons”, is hereby created, to read as follows:

1. Consumption on Private Property

A. Definitions

Guardian shall mean a person who has qualified as a guardian of the underage person pursuant to a testamentary or court appointment.

Relative shall mean the underage person’s grandparent, aunt or uncle, sibling or any other person related by blood or affinity.

2. Consumption of Alcoholic Beverages by Underage Person on Private Property Prohibited

It is Unlawful for any person under the legal age to, without legal authority, knowingly possess or knowingly consume an alcoholic beverage on private property.

3. Violations and Penalties

A. Any person found guilty of violating the terms of this section shall be subject to a fine of two hundred fifty (\$250.00) dollars for a first offense and a fine of three hundred fifty (\$350.00) dollars for any subsequent offense. In addition, the court may, upon a finding of guilt, in addition to the fine authorized for this offense, suspend or postpone for six months the driving privileges of the defendant. Upon the conviction of any person and the suspension or postponement of that person’s driver’s license, the court shall forward a report to the Division of Motor Vehicles stating the first and last day of the suspension or postponement period imposed by the court pursuant to this section. If a person at the time of the imposition of a sentence is less than 17 years of age, the period of license postponement, including a suspension or postponement of the privilege of operating a motorized bicycle, shall commence on the day the sentence is imposed and shall run for a period of six months after the person reaches the age of 17 years. If the defendant at the time of the imposition of the sentence has a valid driver’s license issued by this State, the court shall immediately collect the license and forward it to the Division of Motor Vehicles along with the report. If for any reason the license cannot be collected, the court shall include in the report the complete name, address, date of birth, eye color and sex of the person, as well as the first and last date of the license suspension period imposed by the court.

B. The court shall inform the person orally and in writing that if the person is convicted of operating a motor vehicle during the period of license suspension or postponement, the person shall be subject to the penalties set forth in N.J.S.A. 39:3-40. The defendant shall be required to acknowledge receipt of the written notice in writing. Failure to receive a written notice or failure to acknowledge in writing the receipt of the written notice shall not be a defense to a subsequent charge of a violation of N.J.S.A. 39:3-40.

C. If the person convicted under this section is not a New Jersey resident, the court shall suspend or postpone, as appropriate, the nonresident driving privilege of the person based on the age of the person and submit to the Division the required report. The court shall not collect the license of a nonresident convicted under this section. Upon receipt of a report by the court, the Division shall notify the appropriate officials in the licensing jurisdiction of the suspension or postponement.

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4. Exceptions

A. This section shall not prohibit an underage person from consuming or possessing an alcoholic beverage in connection with a religious observance, ceremony or rite or consuming or possessing an alcoholic beverage in the presence of and with the permission of a parent, guardian or relative who has attained the legal age to purchase and consume alcoholic beverages.

B. This section shall not prohibit the possession of alcoholic beverages by any underage person while actually engaged in the performance of employment by a person who was licensed under Title 33 of the revised statutes or while actively engaged in the preparation of food while enrolled in a culinary arts or hotel management program at a county vocational school or post-secondary educational institution; however, this ordinance shall not be construed to preclude the imposition of a penalty under this Section, N.J.S.A 33:1-81, or any other section of law against a person who is convicted of unlawful alcoholic beverage activity on or at premises licensed for the sale of alcoholic beverages.

5. Underage Possession or Consumption; Exemption from Prosecution

A. An underage person and one or two other persons, if applicable, shall be immune from prosecution under this Chapter prohibiting any person under the legal age who, without legal authority, knowingly possesses or knowingly consumes an alcoholic beverage on private property if:

- (1) one of the underage persons called 9-1-1 and reported that another underage person was in need of medical assistance due to alcohol consumption:
- (2) the underage person who called 9-1-1 and, if applicable, one or two other persons acting in concert with the underage person who called 9-1-1 provided each of their names to the 9-1-1 operator,
- (3) the underage person was the first person to make the 9-1-1 report, and
- (4) the underage person and, if applicable, one or two other persons acting in concert with the underage person who made the 9-1-1 call remained on the scene with the person under the legal age in need of medical assistance until assistance arrived and cooperated with medical assistance and law enforcement personnel on the scene.

B. The underage person who received medical assistance as provided in subsection A. of this section shall also be immune from prosecution under this Chapter prohibiting the possession or consumption of an alcoholic beverage on private property.

SECTION 2. This ordinance shall take effect after second reading and publication as required by law.

Ordinance 2014-05 First Reading and Introduction – An Ordinance Amending and Supplementing Chapter 12 Entitled “Buildings and Construction,” Section 12-3 Entitled “Permits”, Subsection 12-3.6, Entitled “Demolition Permits”, of the Revised General Ordinances of the Borough of Hightstown”

Councilmember Misiura moved ordinance 2014-05 for introduction, Council President Bluth seconded.

Councilmember Misiura explained that the changes to this ordinance had input from the Planning Board and Construction office and that the changes are necessary so the ordinance can be more effective. There was discussion regarding the definition of accessory structures.

Roll Call Vote: Council members Bluth, Doran, Hansen, Misiura, Quattrone, and Thibault voted yes.

Ordinance introduced 6-0, Public Hearing to be held March 17, 2014.

March 4, 2014

Ordinance 2014-05

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

AN ORDINANCE SUPPLEMENTING, AMENDING AND REVISING CHAPTER 12, "BUILDING AND CONSTRUCTION", SECTION 12-3, "PERMITS", SUBSECTION 12-3.6, "DEMOLITION PERMITS" OF THE "REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN"

WHEREAS, the purpose of this Ordinance is to amend and supplement requirements related to demolition activities and to protect the safety and welfare of adjoining property owners from damage that may be caused by the demolition. It also establishes the requirement of an escrow account for use by the Historic preservation Commission in their evaluation of the project.

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:

Section 1. Chapter 12, entitled "Building and Construction, Section 12-3, entitled "Permits", Sub-section 12-3.6 entitled "Demolition Permits" of the "Revised General Ordinances of the Borough of Hightstown, New Jersey" is hereby amended and supplemented in order to establish the following provisions:

12-3-6 Demolition Permits.

A. PURPOSE:

The purpose of this Section is to provide a fair and comprehensive process prior to the issuance of a demolition permit in order to permit adequate consideration of all issues related to demolition activities. This Section is also intended to protect the safety and welfare of adjoining property owners from damage that may be caused by the demolition.

As used in this Chapter, "Adjoining Properties" shall mean any property having a common boundary, and any property which would have a common boundary if not interrupted by a street, alley or other right of way.

"Accessory structure" shall mean a structure which is subordinate to and serves a principal structure; is subordinate in area, extent and purpose to the principal structure; contributes or has contributed to the comfort, convenience or necessity of the principal structure, and is located on the same parcel or property as the principal structure.

"Demolition" shall mean the razing and removal of all or at least sixty percent (60%) of the first floor footprint of a principal or accessory structure.

"Selective Demolition" shall mean anything less than sixty percent (60%) of the first floor footprint of a principal or accessory structure. All projects which fall within this category shall be submitted to the Historic Preservation Commission (HPC) for determination if application to the Commission is required, and to allow the HPC to document the structure before any selective demolition is performed.

"Principal structure" shall mean the building in which the principal or primary use on the lot is conducted.

B. Demolition Permits:

a. Permit required. The demolition of any building or structure shall require a demolition permit which has been reviewed and approved by the Construction Official and the Zoning Officer in conformance with this Section and applicable law. Nothing contained in this Section shall limit the authority of the Construction Official or other appropriate Borough official to order a structure demolished in a life- or health-threatening emergency situation, or as may be otherwise authorized by State statute, other Borough Ordinance or the common law.

b. Application. Principal structure. In order to obtain a demolition permit for the demolition of any principal structure, a demolition permit application form must be completed and submitted to the Construction Official and the Zoning Officer. The

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only other person or entities that shall be consulted are the Historic Preservation Commission and Environmental Commission. The demolition permit application shall contain the following information:

- (1) Property address, block and lot and current legal owner of property.
- (2) Site Plan identifying all buildings and structures to be demolished and the location and size of all remaining structures, including pictures of all sides of all the buildings to be demolished.
- (3) Whether the buildings or structures on the property are listed on the National Register of Historic Places, are located within the Borough's Historic District, identified in the Borough's Master Plan or subsequent Re-examination Report, or are located within one hundred fifty (150) feet of a federal, state or local historic district or are listed within the state, national or local Historic Register.
- (4) If commencement of construction of a new principal structure is not planned to occur within sixty (60) days after the completion of demolition, the application shall include a detailed site restoration and maintenance plan depicting all work required to restore the subject property to a safe, clean condition until construction of a new structure has commenced, including without limitation backfilling of any excavation, grading, seeding, fencing, stormwater management and utility disconnections. During the 60 day period the site shall be maintained in a safe and secure manner meeting the requirements of Section B.e. (1) – (5) (Review Standards).
- (5) At the Zoning Officer's discretion, for structures or portions of structures less than 5,000 square feet; in addition to all other required plans and specifications, the application shall include detailed plans and specifications for stormwater management, soil erosion control and grading on the subject property. Such plans and specifications shall be on a drawing or drawings separate from all other plans and specifications labeled "Stormwater Management Plans." Additionally, such plans and specifications shall be in conformance with the requirements of the Borough's Stormwater Management Ordinance.
- (6) A tree preservation plan shall be submitted identifying all trees with a six-inch (6") diameter or larger trunk located on the subject property, within 25 feet of the structure to be demolished. The plan shall identify any trees which would be removed as a consequence of the demolition and provide for their replacement.
- (7) Provide proof that a pest control expert has investigated the property and either removed all pests or deemed it pest free. Pests include, but are not limited to carpenter ants, termites, rodents and other small mammals.
- (8) Provide proof that structure has no lead paint or asbestos by providing report from professional of these fields, or provide report that all lead paint and asbestos has been removed in accordance with appropriate requirements.

c. Application; accessory structure. Demolition permit applications for accessory structures shall be submitted to the Construction Official and the Zoning Officer. Demolition permit applications for accessory structures shall be submitted with all information set forth in paragraph b. of this Section.

d. Application review. The Construction Official and the Zoning Officer shall be responsible for the processing, review and approval of demolition permit applications. Within five (5) business days of the submission of a complete demolition permit application for a principal structure, and in accordance with NJAC 5:23-2.34 (Protection of Adjoining Properties), the Applicant shall notify all owners of adjoining properties by Certified Mail, Return Receipt Requested. All information submitted shall be available for public inspection during normal business hours in the Borough Offices.

- (1) A demolition permit for a principal structure shall not be issued within the first thirty (30) days from the receipt of a completed demolition permit application but in no event shall a demolition permit for a principal structure be issued later than sixty (60) days from the receipt of a completed demolition permit application.
- (2) The demolition of a principal or accessory structure may also be sought as part of a subdivision or site plan application. Any such application including the proposed demolition of a structure shall include all information set forth in paragraph b. of this Subsection.
- (3) A completed permit application shall be submitted to the Planning Board for record purposes only.

(4) A complete demolition permit application shall also be referred to the Historic Preservation Commission and Environmental Commission for review and report prior to the issuance of a demolition permit.

e. Review standards, requirements. The Construction Official and the Zoning Officer shall review all demolition permit applications in accordance with this Section and the Borough Ordinances, including the following standards:

(1) The granting of a demolition permit shall not be detrimental to the public health, safety and general welfare of the Borough or its residents.

(2) Adequate utilities, access ways, drainage and other necessary facilities and protective measures shall be provided.

(3) Any new structure or use to be constructed on the subject property shall conform to the applicable requirements of this Zoning Ordinance unless the applicant has first applied for and been granted, a variance by the Borough's Planning Board.

(4) The applicant shall demonstrate conformance with N.J.A.C. 5:23 2.17, 2.34 and all other applicable laws and regulations.

f. If the Construction Official and the Zoning Officer issue a demolition permit, the demolition shall take place in accordance with the provisions of the Borough's Building Code in force at that time, the requirements of this Ordinance and any additional requirements or conditions imposed by the Construction Official or Zoning Officer. Proof of the disconnection of utilities serving the structure shall be provided to the Construction Official at least fifteen (15) days prior to the commencement of demolition.

g. Silt/Construction fencing shall be installed as approved by the Construction Official. Such fencing shall be removed no later than the completion of restoration as required by subsection (h) below. Required restoration or rough grading, when allowed by the Construction Official, shall be completed no later than forty-five (45) days after the completion of demolition.

h. Barring a force majeure event, if construction or reconstruction of a new principal structure has not commenced within sixty (60) days of the completion of demolition, the subject property site shall be restored within fifteen (15) days. Restoration of the property shall include without limitation: permanent disconnection of sewer and water, if applicable, at mains, final grading and seeding, the removal of dangerous conditions, rubbish and debris, restoration of damaged public property and removal of safety and tree protection fencing. If weather does not permit final grading and seeding. The Construction Official may permit rough grading until weather conditions permit final grading. Silt fencing and other stormwater measures shall remain in place in accordance with the Borough's Stormwater Ordinance.

i. Demolition Bond. The applicant shall post with the Clerk of the Borough, at the time of issuance of the permit for the demolition of a principal or accessory structure, a demolition performance bond, letter of credit or cash equivalent in the amount of ten percent (10%) of the cost of demolition or ten thousand dollars (\$10,000), whichever is less. Such Bond shall be in addition to all other application and processing fees, costs, escrows, bonds and other performance securities.

(1) The Borough shall have the right at all times, upon notice, at its option, to draw on the demolition bond or cash equivalent for costs, including legal fees and administrative expenses, incurred or to be incurred by the Borough in exercising any of its rights under this Section in the event the applicant undertakes any work in violation of any provisions of this Section.

(2) If the Borough draws on the demolition bond, or cash equivalent, the applicant shall replenish the bond, or cash equivalent, to the full amount required under subsection i above immediately after demand is made to the applicant in writing by the Borough. Any failure of the applicant to replenish the bond shall result in cancellation of the related permit, which permit shall not be reissued thereafter except after the filing of a new application, payment of the permit fee and the establishment of a new bond.

(3) Upon the completion of the demolition, the applicant shall submit in writing a request for the return of the demolition bond or the release of the demolition letter of credit. The Borough shall return any unused portion of the demolition bond or cash equivalent to the applicant, without interest, within thirty (30) days after final demolition inspection of the property and approval of the demolition by the Construction Official and the Zoning Officer. Properties where construction of a new principal building has not commenced within thirty (30) days of demolition shall be restored as required by this Section before the demolition bond shall be returned.

j. See 12-2-3 for applicable permit fees. A refundable escrow fee of \$50 shall be required for use by the Historic Preservation Commission.

(1) Upon the completion of the demolition, the applicant shall submit in writing a request for the return of the remaining escrow fee.

k. If deemed essential by the Historic Preservation Commission ("HPC"), applicant shall provide access at reasonable times and on convenient days to the structure or structures to be demolished, and allow members of the HPC or their agents, to take measurements and pictures of interior, exterior and pertinent details. These measurements and pictures will memorialize the architecture and aesthetics of the structure proposed for demolition. Access, as needed to obtain legible photographs, shall be during a maximum thirty (30) day period or until the HPC has signed off, but in no event later than forty-five (45) days from the receipt of a completed demolition permit application. Prior to the issuance of a demolition permit, the HPC Chairperson or Vice Chairperson shall advise the Construction Official and the Zoning Officer that the photographs under this section have been completed. A demolition application shall not be deemed complete until the HPC inspection is completed.

(1) In accordance with 5:23-2.32 a structure which is deemed unsafe or a fire hazard must still be reviewed by the Historic Preservation Commission to deem whether or not the structure is essential. In the event that it is essential, 48 hours notice (business days only not including holidays) shall be given to the Historic Preservation Commission before the owner proceeds with demolition. This is to allow for steps to be taken to safely enter the site to document conditions prior to demolition.

(2) The HPC shall be permitted to draw against the escrow fee set forth in paragraph j above for the purchase of digital storage media and photographic printing costs, in an amount not to exceed fifty dollars (\$50).

C. Penalties. This Ordinance may be enforced by the Zoning Officer, Construction Official or Police Department of the Borough of Hightstown. Any person found to be in violation of this Ordinance shall be subject to the penalty provide in Chapter 1, Section 5 of the Revised General Ordinances of the Borough of Hightstown. (Ord. No. 2010-09)

See also

12-2-3 Fees

12-3-1 Building Permit Required; Exception.

12-3-2 Zoning Permit Required; Exception.

12-3-3 Moving Buildings or Structures.

12-3-4 Occupancy Permit Required.

12-3-5 Permit Application; Revocation; Inspection.

Section 2. All other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

Section 3. 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.

Section 4. This Ordinance shall take effect following final passage and publication in accordance with the law.

Ordinance 2014-06 First Reading and Introduction – Bond Ordinance Providing for Various Capital Improvements in and by the Borough of Hightstown, in the County of Mercer, New Jersey, Appropriating \$220,000 Therefor and Authorizing the Issuance of \$209,500 Bonds or Notes of the Borough to Finance Part of the Cost Thereof

Councilmember Misiura moved ordinance 2014-06 for introduction, Councilmember Hansen seconded.

Mayor Kirson commented that this ordinance is to cover the cost of the restoration and microfilming of records affected by Hurricane Irene, noting that it is hoped that some of the funds will be reimbursed by FEMA. Borough Clerk Sopronyi and George Lang, CFO, explained the need for this ordinance.

Roll Call Vote: Council members Bluth, Doran, Hansen, Misiura, Quattrone, and Thibault voted yes.

Ordinance introduced 6-0, Public Hearing to be held March 17, 2014.

Ordinance 2014-06

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

**BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL
IMPROVEMENTS IN AND BY THE BOROUGH OF HIGHTSTOWN, IN THE
COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$220,000
THEREFOR AND AUTHORIZING THE ISSUANCE OF \$209,500 BONDS OR
NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF**

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

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized to be undertaken by the Borough of Hightstown, in the County of Mercer, New Jersey (the "Borough") as general improvements. For the several improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$220,000, and further including the aggregate sum of \$10,500 as the several down payments for the improvements or purposes required by the Local Bond Law. The down payments have been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments, negotiable bonds are hereby authorized to be issued in the principal amount of \$209,500 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

<u>Purpose</u>	<u>Appropriation & Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds & Notes</u>	<u>Period of Usefulness</u>
a) Document cleaning, freeze drying, irradiation and records management services, including the destruction of eligible documents and microfilming of records required to be retained, including all related costs and expenditures incidental thereto and further including all work and materials necessary therefor and incidental thereto.	\$213,500	\$203,300	15 years
b) Acquisition of fire proof cabinets, including all related costs and expenditures incidental thereto.	\$6,500	\$6,200	10 years
TOTAL:	\$220,000	\$209,500	

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the down payment for each purpose.

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 bond anticipation note shall mature later than one year from its date. The bond anticipation 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

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officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation 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 bond anticipation 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 bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation 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 bond 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 improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are all improvements or purposes that the Borough may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 14.85 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 \$209,500, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$12,500 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 purposes or improvements.

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 or improvements 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.

Section 8. Any grant moneys received for the purposes or improvements described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this bond 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 ARule@) 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 March 4, 2014

the Local Bond Law.

Resolution 2014-53 Authorizing the Payment of Bills

Councilmember Quattrone moved resolution 2014-53, Council President Bluth seconded.

There was discussion regarding implementing a requirement that employee reimbursements be submitted on a required schedule.

Roll Call Vote: Council members Bluth, Doran, Hansen, Misiura, Quattrone, and Thibault voted yes.

Resolution adopted 6-0.

Resolution 2014-53

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

AUTHORIZING PAYMENT OF BILLS

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the bills be paid on audit and approval of the Borough Administrator, the appropriate Department Head and the Treasurer in the amount of \$1,509,385.28 from the following accounts:

Current		\$1,455,429.91
W/S Operating		39,390.47
General Capital		5,775.75
Water/Sewer Capital		2,000.00
Grant		0.00
Trust		5,160.40
Housing Trust		0.00
Animal Control		500.00
Law Enforcement Trust		0.00
Housing Rehab Loans		1,128.75
Unemployment Trust		0.00
Escrow		<u>0.00</u>
Total		<u>\$1,509,385.28</u>

Resolution 2014-54 Authorizing Emergency Temporary Appropriations Prior to Adoption of the 2014 Budget

Councilmember Quattrone moved resolution 2014-54, Council President Bluth seconded.

There was discussion.

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Roll Call Vote: Council members Bluth, Doran, Hansen, Misiura, Quattrone, and Thibault voted yes.

Resolution adopted 6-0.

Resolution 2014-54

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

**AUTHORIZING EMERGENCY TEMPORARY APPROPRIATIONS
PRIOR TO ADOPTION OF THE 2014 BUDGET**

WHEREAS, an emergent condition has arisen with respect to inadequate appropriation balances remaining in some line items of the 2014 temporary budget; and

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

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

WHEREAS, the total emergency temporary appropriations in resolutions adopted in the year 2014 pursuant to the provisions of N.J.S.A. 40A:4-20 (Chapter 96, P.L. 1951, as amended), including this resolution, total:

	<i>THIS RESOLUTION</i>	<i>PREVIOUS TOTAL</i>	<i>CUMULATIVE TOTAL</i>
Current	153,000.00	61,400.00	214,400.00
Capital Outlay – Current	0.00	0.00	0.00
Debt Service - Current	0.00	0.00	0.00
Water/Sewer	50,000.00	150,000.00	200,000.00
Capital Outlay – W/S	0.00	0.00	0.00
Debt Service - W/S	0.00	0.00	0.00
TOTAL	203,000.00	211,400.00	414,400.00

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

1. An emergency temporary appropriation is hereby made for each item listed on the schedules that are attached hereto and made a part hereof;
2. Each emergency appropriation listed will be provided for in the 2014 budget under the same title as written herein;
3. One certified copy of this resolution will be filed with the Director of Local Government Services, and a copy provided to the Treasurer.

Resolution 2014-55 Authorizing a Transfer in the 2013 Budget

Councilmember Misiura moved resolution 2014-55, Councilmember Quattrone seconded.

Roll Call Vote: Council members Bluth, Doran, Hansen, Misiura, Quattrone, and Thibault voted yes.

Resolution adopted 6-0.

Resolution 2014-55

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

AUTHORIZING A TRANSFER OF FUNDS IN THE 2013 BUDGET

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the following transfers in the 2013 budget are hereby authorized:

<u>Current:</u>	<u>From</u>	<u>To</u>
Municipal Clerk		
Other Expenses	\$ 900.00	
Telephone		
Other Expenses	6,000.00	
Gasoline		
Other Expenses	4,000.00	
Data Processing		
Other Expenses		\$ 900.00
Snow Removal		
Other Expenses	<u> </u>	<u>10,000.00</u>
TOTALS	\$ 10,900.00	\$ 10,900.00

Resolution 2014-56 Authorizing Additional Funds for Architectural Services for the Municipal Building and Police Facilities – Goldstein Partnership

Councilmember Doran moved resolution 2014-56, Councilmember Misiura seconded.

There was discussion regarding the work performed and the hourly rate charged by this professional.

Roll Call Vote: Council members Bluth, Doran, Hansen, Misiura, Quattrone, and Thibault voted yes.

Resolution adopted 6-0.

Resolution 2014-56

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

**AUTHORIZING ADDITIONAL FUNDS FOR ARCHITECTURAL
SERVICES FOR THE MUNICIPAL BUILDING AND POLICE FACILITIES –
GOLDSTEIN PARTNERSHIP**

WHEREAS, pursuant to resolution 2013-173 the Borough appointed a professional architect to provide services related to the repair/replacement of the Borough's Municipal Building and Police Facilities (also collectively referenced as the "Borough Hall Complex"); and

WHEREAS, the Borough Council had previously authorized Thirty-Five Thousand (\$35,000.00) plus expenses for these services without further approval of the Governing Body; and

WHEREAS, the Architect, Goldstein Partnership, has submitted a request that the amount authorized for these services be increased by \$10,000.00 for a total of \$45,000.00 due to additional work requested by Council; and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Hightstown that the amount originally authorized for Eli Goldstein of Goldstein Partnership to perform these services be increased by \$10,000.00 for a total of \$45,000.00 for services related to the repair/replacement of the Borough's Municipal Building and Police Facilities (also collectively referenced as the "Borough Hall Complex")

Resolution 2014-57 Appointing a Tax/Water/Sewer Collector – Toni Mullen

Councilmember Doran moved resolution 2014-56, Councilmember Misiura seconded.

Roll Call Vote: Council members Bluth, Doran, Hansen, Misiura, Quattrone, and Thibault voted yes.

Resolution adopted 6-0.

Resolution 2014-57

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

APPOINTING A TAX/WATER/SEWER COLLECTOR – TONI MULLEN

WHEREAS, due to the resignation of Anne Blake from the position of Tax and Water/Sewer Collector there is a need for the appointment of a certified Tax and Water/Sewer Collector for Hightstown Borough; and,

WHEREAS, the Borough Council desires to appoint Toni Mullen of Neptune, New Jersey be appointed as Tax and Water/Sewer Collector for the Borough of Hightstown at a salary of \$57,000.00; and

WHEREAS, Ms. Mullen holds Certified Tax Collector certification CTC#T8299 issued April 10, 2013 by the State of New Jersey; and,

WHEREAS, said appointment is being made for an unexpired term ending December 31, 2017.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that Toni Mullen is hereby appointed as Tax and Water/Sewer Collector for Hightstown Borough effective March 10, 2014.

Mayor Kirson suggested that resolutions 2014-60, 2014-61, and 2014-62 be moved as a consent agenda.

Consent Agenda - Resolutions 2014-60, 2014-61, and 2014-62

Councilmember Quattrone moved resolutions 2014-60, 2014-61, and 2014-62 for approval, Councilmember Doran seconded.

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

Resolutions adopted, 5-0, with one abstention.

Resolution 2014-60

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

CHANGING THE STATUS OF AN EMPLOYEE TO PERMANENT – KENNETH A. LARSEN

WHEREAS, Kenneth A. Larsen was hired on October 1, 2012 as a Police Officer; and

WHEREAS, Kenneth A. Larsen has served in this capacity since that date; and

WHEREAS, the Police Director has found that Kenneth A. Larsen has performed the duties associated with this position in a satisfactory manner; and

WHEREAS, the Police Director has recommended that Kenneth A. Larsen's employee status be upgraded to permanent pursuant to the Hightstown Borough Ordinance 2-19.7; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Hightstown, that Kenneth A. Larsen is hereby appointed a permanent employee for the Borough of Hightstown effective October 1, 2013.

Resolution 2014-61

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

CHANGING THE STATUS OF AN EMPLOYEE TO PERMANENT – RONALD J. STEPHENSEN

WHEREAS, Ronald J. Stephensen was hired on October 1, 2012 as a Police Officer; and

WHEREAS, Ronald J. Stephensen has served in this capacity since that date; and

WHEREAS, Ronald J. Stephensen's appointment was conditioned upon his qualifying for a New Jersey Police Training Commission waiver and completion of academy courses to receive full certification; and

WHEREAS, the Police Director has found that Ronald J. Stephensen has met the conditions of his employment and performed the duties associated with this position in a satisfactory manner; and

WHEREAS, the Police Director has recommended that Ronald J. Stephensen's employee status be upgraded to permanent March 4, 2014

pursuant to the Hightstown Borough Ordinance 2-19.7; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Hightstown, that Ronald J. Stephensen is hereby appointed a permanent employee for the Borough of Hightstown effective February 28, 2014.

Resolution 2014-62

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

CHANGING THE STATUS OF AN EMPLOYEE TO PERMANENT – PHILIP J. ESPOSITO

WHEREAS, Philip J. Esposito was hired on October 1, 2012 as a Police Officer; and

WHEREAS, Philip J. Esposito has served in this capacity since that date; and

WHEREAS, Philip J. Esposito's appointment was conditioned upon his qualifying for a New Jersey Police Training Commission waiver and completion of academy courses to receive full certification; and

WHEREAS, the Police Director has found that Philip J. Esposito has met the conditions of his employment and performed the duties associated with this position in a satisfactory manner; and

WHEREAS, the Police Director has recommended that Philip J. Esposito's employee status be upgraded to permanent pursuant to the Hightstown Borough Ordinance 2-19.7; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Hightstown, that Philip J. Esposito is hereby appointed a permanent employee for the Borough of Hightstown effective February 28, 2014.

Consent Agenda - Resolutions 2014-58, 2014-59, 2014-63, 2014-64, 2014-65, and 2014-48

Councilmember Quattrone moved resolutions 2014-58, 2014-59, 2014-63, 2014-64, 2014-65, and 2014-48 for approval, Council President Bluth seconded.

Roll Call Vote: Council members Bluth, Doran, Hansen, Misiura, Quattrone, and Thibault voted yes.

Resolution adopted 6-0.

Resolution 2014-58

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

AUTHORIZING THE ISSUANCE OF AN AUCTION LICENSE – EMPIRE ANTIQUES

WHEREAS, an application for a license to hold an auction on Saturday, March 15, 2014 at 278 Monmouth Street in the Borough of Hightstown has been submitted by Empire Antiques, together with the required fee; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Borough
March 4, 2014

Clerk is hereby authorized to issue a license to Empire Antiques for their auction to be held on Saturday, March 15, 2014 at 278 Monmouth Street.

Resolution 2014-59

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

**GRANTING PERMISSION TO AT&T CORPORATION TO INSTALL
COMMUNICATIONS FACILITIES ALONG, UNDER AND OVER THE PUBLIC
RIGHT-OF-WAY IN ORDER TO PROVIDE COMMUNICATIONS TO THE PUBLIC**

WHEREAS, AT&T Corp., through its operating subsidiaries, including AT&T Communications of New Jersey, L.P., Teleport Communications America, LLC, and Teleport Communications New York (collectively, "AT&T"), is a communications carrier authorized to provide service by the New Jersey Board of Public Utilities and the Federal Communications Commission; and

WHEREAS, AT&T, as a public utility and common carrier, has requested approval to install communications facilities in Hightstown public right-of-way; and

WHEREAS, AT&T is seeking to lease or obtain conduit space and access to poles with other utilities, particularly Verizon New Jersey Inc., and Verizon has required that AT&T obtain approval of the Hightstown Borough Council as a condition of such access;

WHEREAS, the purpose of this resolution is to authorize AT&T to install communications lines within conduit or on existing poles in the public right-of-way in order to provide communications services to the public.

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

that:

1. Permission and authority are hereby granted to AT&T to install communications facilities, or lease or obtain for such communications facilities space on existing poles or in existing conduits, in the public right-of-way in Hightstown in order to provide communications services to the public, and to operate, maintain, and repair said facilities, subject to the following:
 - A. The facilities shall be installed in underground conduit and/or on to existing utility poles in the public right-of-way.
 - B. AT&T, its successors and assigns, shall adhere to all applicable Federal, State, and Local laws regarding safety requirements for the use of the public right-of-way.
 - C. AT&T, its successors and assigns, shall comply with all Federal, State, and Local laws requiring permits prior to beginning construction.
 - D. Such permission be and is hereby given upon the condition and provision that AT&T, its successors and assigns, not only indemnify and save harmless the Borough of Hightstown, its officers, agents, and servants, from any claims whatsoever arising from or in any way connected to the acts or omissions of AT&T in use of the public right-of-way but shall agree on behalf of the Borough to defend any action at law or equity which may be brought against the Borough upon such claims or from claims arising during the construction period, excluding in all instances claims arising out of gross negligence or willful misconduct on the part of the Borough.

- E. In addition to the aforesaid indemnity agreement, AT&T, its successors and assigns shall at its own cost and expense procure and keep at all times in full force and effect paid up policies for Comprehensive General Liability Insurance in favor of the Borough, in the amount of at least \$5,000,000, covering bodily injury and property damage arising out of any one accident. Proof of said coverage, naming the Borough as an insured and including the indemnification clause in Section D shall be filed with the Borough Clerk prior to the installation of any plant. The Borough shall have the right to increase the amount of Comprehensive General Liability Insurance and to alter the terms of insurance called for under this section provided it does so generally for all companies using the public right-of-way within the Borough. Said insurance shall not be subject to cancellation or change until thirty (30) days after the Borough Clerk has received written notice thereof as evidenced by return receipt of certified or registered letter.
- F. Such permission be and is hereby given upon the further condition that in the use of the public right-of-way AT&T, its successors and assigns, shall become subject to any lawful Ordinance or Resolution now or hereafter adopted by the Borough.
- G. Such permission be and is hereby given upon the condition that AT&T shall obtain all applicable permits which may be required by the Borough.
- H. AT&T shall be responsible for the repair of damage to paving, existing utility lines, or any surface or subsurface installations, etc., arising from the construction, installation or maintenance of said plant.
- I. Notwithstanding any provision contained herein, neither the Borough nor AT&T shall be liable to the other for consequential, incidental, exemplary, or punitive damages on account of any activity pursuant to this instrument.
- J. This instrument shall be adopted on behalf of the Borough by the Hightstown Borough Council and attested to by the Borough Clerk who shall affix the Borough Seal thereto. Said execution, approval, and filing shall constitute the existence of public notification.
- K. The permission and authority hereby granted shall be for a period of 50 years. However, after 15 years from the date of this agreement, the Borough shall have the right to terminate permission and authority, by Resolution with a minimum one year notice to AT&T to sell or liquidate its facilities in the public right-of-way. Conversely, AT&T shall be allowed to terminate permission and authority, by request of Resolution with a minimum of one year from passage of such Resolution to sell or liquidate its facilities in the public right-of-way.

Resolution 2014-63

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

**APPOINTING AND AUTHORIZING AN AGREEMENT FOR PROFESSIONAL LABOR
COUNSEL SERVICES – ELIZABETH M. GARCIA, ESQ.**

WHEREAS, six (6) proposals were opened on November 26, 2013 for the professional Labor Counsel services for the year 2014; and

WHEREAS, there exists the need for specialized legal services relative to personnel matters during 2014; and

WHEREAS, the proposals were reviewed and evaluated by a sub-committee of the Borough Council; and

WHEREAS, the Borough Council wishes to appoint Elizabeth M. Garcia, Esq. of Parker McCay of Mount Laurel, New Jersey as Labor Counsel effective January 1, 2014; and

March 4, 2014

WHEREAS, the cost for the proposed services shall not exceed \$65,000.00 without further approval by the Borough Council; and,

WHEREAS, funds for this purpose will be made available in the 2014 budget; and,

WHEREAS, the Borough Attorney will review and approve the contract for execution by the Borough; and

WHEREAS, the anticipated term of this contract is for one (1) year, and it may only be renewed upon further action of the Borough Council; and

WHEREAS, this contract is awarded as a "fair and open contract" pursuant to and in accordance with the Local Unit Pay-to-Play Law.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Borough Council of the Borough of Hightstown that the Mayor is authorized to execute and the Borough Clerk to attest an agreement between the Borough of Hightstown and Elizabeth M. Garcia, Esq. for professional labor counsel services for the year 2014.

Resolution 2014-64

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

**APPOINTING AND AUTHORIZING AN AGREEMENT FOR PROFESSIONAL BOND
COUNSEL SERVICES – EDWARD J. MCMANIMON III, ESQ.**

WHEREAS, five (5) proposals were opened on November 26, 2013 for the professional Bond Counsel services for the year 2014; and

WHEREAS, the proposals were reviewed and evaluated by a sub-committee of the Borough Council; and

WHEREAS, the Borough Council wishes to appoint Edward J. McManimon III, Esq. of McManimon Scotland & Baumann of Roseland, New Jersey as Bond Counsel effective January 1, 2014; and

WHEREAS, the cost for the proposed services shall not exceed \$7,500.00 without further approval by the Borough Council; and,

WHEREAS, funds for this purpose will be made available in the 2014 budget; and,

WHEREAS, the Borough Attorney will review and approve the contract for execution by the Borough; and

WHEREAS, the anticipated term of this contract is for one (1) year, and it may only be renewed upon further action of the Borough Council; and

WHEREAS, this contract is awarded as a "fair and open contract" pursuant to and in accordance with the Local Unit Pay-to-Play Law.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Borough Council of the Borough of Hightstown that the Mayor is authorized to execute and the Borough Clerk to attest an agreement between the Borough of Hightstown and Edward J. McManimon III, Esq. for professional bond counsel services for the year 2014.

Resolution 2014-65

*BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER*

March 4, 2014

STATE OF NEW JERSEY

**APPOINTING AND AUTHORIZING AN AGREEMENT FOR SPECIAL LABOR COUNSEL
SERVICES FOR A SPECIFIC LABOR MATTER – ERIC M. BERNSTEIN**

WHEREAS, five (5) proposals were opened on November 26, 2013 for professional Labor Counsel services for the year 2014; and

WHEREAS, there exists the need for specialized legal services relative to a specific personnel matter during 2014; and

WHEREAS, the proposals were reviewed and evaluated by a sub-committee of the Borough Council; and

WHEREAS, the Borough Council wishes to appoint Eric M. Bernstein, Esq. of Eric Bernstein Associates of Warren, New Jersey as Special Labor Counsel effective January 1, 2014; and

WHEREAS, the cost for the proposed services shall not exceed \$7,500.00 without further approval by the Borough Council; and,

WHEREAS, funds for this purpose will be made available in the 2014 budget; and,

WHEREAS, the Borough Attorney will review and approve the contract for execution by the Borough; and

WHEREAS, the anticipated term of this contract shall be until the special labor matter for which the Special Labor Counsel is assigned is resolved; and

WHEREAS, this contract is awarded as a “fair and open contract” pursuant to and in accordance with the Local Unit Pay-to-Play Law.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Borough Council of the Borough of Hightstown that the Mayor is authorized to execute and the Borough Clerk to attest an agreement between the Borough of Hightstown and Eric M. Bernstein, Esq. for professional labor counsel services for a specific labor matter.

Resolution 2014-48

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

AUTHORIZING REFUND OF TAX OVERPAYMENT

WHEREAS, an overpayment of taxes was made for the fourth quarter 2013 property taxes for Block 6, Lot 22 in the Borough of Hightstown; and

WHEREAS, the attorney for the buyer, Bolster & Bruder, Esq., 168 Prospect Plains Rd, Monroe Township, NJ 08831 has requested that a refund be issued for the overpayment in the amount of \$2,073.59; and

WHEREAS, the Tax Collector has requested that the amount of said overpayment be refunded to the Attorney.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Tax Collector and Treasurer are hereby authorized to issue a refund in the amount of \$2,073.59 to Bolster & Bruder, Esq., Trust Account, 168 Prospect Plains Rd, Monroe Township, NJ 08831, representing their tax overpayment as set forth herein.

Borough Hall

March 4, 2014

Mr. Underhill advised that seismic compliance is necessary for the Police Department and the probability of retro-fitting the present location is not efficient and will be very costly. He reached out to the Department of Corrections regarding the length of time that the Police can stay in the temporary location, but has not yet gotten a response. There was discussion regarding the New Jersey Rehabilitation Code and the requirements for updates to the Police Department.

Mayor Kirson inquired of the Council that if we need to re-build where and what Council wants to do; and should the 51% rule for FEMA be pursued. He noted that the Borough would have to meet \$650,000 in mitigation costs to meet the FEMA requirement.

The Borough Engineer noted that this would simply be an exercise to give FEMA what they want to see if the Borough qualifies; FEMA must agree with the estimate; it could bring the Borough an additional \$1M. She must determine the cost of mitigation and she is working with the New Jersey OEM and he recommends mitigating at the 100 year flood plain and going one foot higher. A conceptual design will be necessary to perform this exercise. There was discussion and Mr. Underhill brought to Council's attention the issue of whether another location is available in the Borough.

Mayor Kirson again inquired if Council would like to move forward with this exercise.

There was discussion regarding costs for the exercise, the insurance claim, modular facilities and cost, pre-fabricated facilities and the Police Department needs. The Administrator was directed to speak to the Architect regarding pre-fabricated and modular facilities, his hourly rate, and preparation of an estimate to perform the exercise. The Borough Engineer was directed to prepare and estimate for this exercise.

Borough Hall Investigation

Council President Bluth reviewed that Council had authorized the formation of a committee to perform this investigation, and noted that she would like a report. Councilmember Thibault advised that this matter should be discussed in executive session, to which the Borough Attorney agreed. It was decided that this matter would be placed on executive session at the next meeting.

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

Eugene Sarafin, 628 S. Main Street – commented that the public wants police consolidation, not a new building; suggested that ordinance 2014-04 be revised to consider offering counseling.

Walter Sikorski, 326 N. Main Street – commented that there is an opportunity to make an effort toward consolidation of police services; there would be no need for a police building or court facilities; the state is not providing tools for local government. He referenced a book on incarceration.

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

Mayor/Council/Administrative Comments and Committee Reports

Councilmember Thibault – noted that a resolution naming April as “Volunteer Month” will be on the next agenda; the First Aid has made 300+ calls and put in over 17,500 hours in 2013; the ambulance repair is finally complete and it will be picked up tomorrow; Council should submit their RSVP for the First Aid dinner as soon as possible; an Animal Welfare Committee report will be available at the next meeting.

Councilmember Quattrone – noted that the Housing Authority alarm issue is being investigated by Internal Affairs and is confidential and time consuming, an answer will be forthcoming when the investigation is complete; the snow dumping issue will be addressed by the Administrator; there is a vehicle available for the Code Enforcement office and they should be using it; agreed that the Borough should be speaking to its neighbors regarding police service consolidation.

Councilmember Misiura – noted that Council had authorized a sub-committee to make recommendations regarding the development of a Re-Development Authority, and Lee Stultz and Keith LePrevost have agreed to serve on this sub-committee that will meet next week; reminded the public and Council that the Planning Board will be having a Master Plan workshop meeting next week; noted that a DVRCP TCID grant is available and the Planning Board is discussing applying to cover the downtown; gave a Code Enforcement update noting that they are presently working mostly with snow on sidewalks issues and will be coming forward with recommended changes to the Borough code soon.

Councilmember Doran – advised that the Environmental Commission's fundraiser was success and thanked the Hightstown Diner and public for their support; recommended that a Spanish speaking individual be considered when looking for the replacement employee in the Code Enforcement Office; inquired as to when the budget information would be distributed to Council.

Administrator Underhill advised that budget information will be distributed on Friday.

Mayor Kirson – noted that Council President Bluth is serving on the League of Municipalities Legislative Committee; the Special Olympics are being held in New Jersey in June and the gymnastics event will be held at Peddie, a resolution of support will be on the next agenda and he is working with businesses to put together a package for attendees.

Councilmember Thibault moved to adjourn at 10:18 pm, Councilmember Misiura seconded. All ayes.

Respectfully Submitted,

Debra L. Sopronyi, RMC
Borough Clerk