

**Meeting Minutes  
Hightstown Borough Council  
Regular Meeting  
July 21, 2014  
6:30 pm**

The meeting was called to order by Mayor Kirson at 6:34 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 Bluth</i>	✓	
<i>Councilmember Hansen</i>		✓
<i>Councilmember Kurs</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; and Fred Raffetto, Borough Attorney.

**Resolution 2014-150 Authorizing a Meeting Which Excludes the Public**

Mayor Kirson, on behalf of the Borough Attorney Raffetto, requested that an update on the Enchantment development be added to Resolution 2014-150.

Councilmember Quattrone moved resolution 2014-150 as amended, Council President Bluth seconded.

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

Resolution adopted 5-0.

Resolution 2014-150

*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 July 21, 2014 at 6:30 p.m. in the First Aid Building located at 168 Bank Street, Hightstown that will be limited only to consideration of an item or items with respect to which the public may be excluded pursuant to section 7b of the Open Public Meetings Act.

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

Contract Negotiations – Shared Services  
Attorney-Client Privilege – May 5, 2014 Executive Session Minutes  
Enchantment  
Personnel – Borough Administrator  
Hiring of Class II Officer

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: October 21, 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 7:32 pm and he again read the Open Public Meetings Act statement.

The Flag Salute followed Roll Call. Police Director LeTellier arrived during executive session and was now present. George Lang, CFO, joined the meeting at this time.

Mayor Kirson requested that resolutions 2014-151 and 2014-152 be moved up on the agenda to follow the approval of the meeting agenda.

Council President Bluth moved the agenda as amended for approval, Councilmember Kurs seconded.

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

Agenda approved as amended 5-0.

**Resolution 2014-151 Authorizing the Borough of Hightstown to Hire One New Full Time Regular Police Officer – Tyler Bender**

Councilmember Quattrone moved resolution 2014-151, Council President Bluth seconded.

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

Resolution adopted 5-0.

Resolution 2014-151  
*BOROUGH OF HIGHTSTOWN*  
*COUNTY OF MERCER*  
*STATE OF NEW JERSEY*

**AUTHORIZING THE BOROUGH OF HIGHTSTOWN TO HIRE ONE NEW FULL-TIME  
REGULAR POLICE OFFICER**

**WHEREAS**, due to a resignation of an Officer, and in order to maintain the health, safety and welfare of the public at large, the Hightstown Borough Council has determined that it is necessary to hire a rank and file police July 21, 2014

officer for the Borough; and

**WHEREAS**, Section 2-19.7 of the “Revised General Ordinances of the Borough of Hightstown, New Jersey,” governs the procedure relating to application for, and appointment to, the position of police officer of any rank within the Borough; and

**WHEREAS**, pursuant to Subsection 2-19.7(b), the Police Director has recommended that the Borough Council appoint Tyler Bender of Ewing, New Jersey as a Hightstown Borough Police Officer; and

**WHEREAS**, appointee Tyler Bender is a certified Class II officer who will require a waiver issued by the New Jersey Police Training Commission (“PTC”); and

**WHEREAS**, a PTC waiver is issued to officers who have graduated from a PTC approved academy and who only require a few courses of instruction for full certification; and

**WHEREAS**, it is the intention of the Borough that appointee Bender shall be enrolled in said Academy to commence with courses of instruction as soon as possible; and

**WHEREAS**, the employment of appointee Bender shall be conditioned upon his passing all applicable Borough requirements; and

**WHEREAS**, the employment of appointee Bender shall additionally be conditioned upon qualifying for PTC waivers, as indicated above; and

**WHEREAS**, the salaries associated with this new hire shall be set at the sum of \$45,000 per annum, in accordance with the “Grievance Settlement Agreement” executed by the Borough and the Hightstown PBA Local 283 (the “PBA”), which was authorized by Resolution 2012-222, adopted by the Hightstown Borough Council on September 4, 2012; and

**WHEREAS**, all other terms and conditions of employment relating to this new hire shall be as set forth in the existing Collective Negotiations Agreement executed by the Borough and the PBA, covering the time period from January 1, 2010 through December 31, 2014 (the “PBA Agreement”), as modified by the afore-mentioned “Grievance Settlement Agreement”; and

**WHEREAS**, the Hightstown Borough Council believes that the hiring of the new police officer as referenced above is in the best interests of the health, safety and welfare of the Borough’s residents.

**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 individual referenced above is hereby appointed to serve as full-time regular police officer for the Borough of Hightstown, contingent upon the conditions set forth in this Resolution.
2. That the employment of the new officer shall be conditioned upon passing all applicable Borough requirements.
3. That the employment of appointee Bender shall additionally be conditioned upon his qualifying for PTC waivers, as indicated above.
4. That the salaries associated with the new hire shall be set at the sum of \$45,000 per annum per officer, in accordance with the “Grievance Settlement Agreement” recently executed by the Borough and the “PBA”, which was authorized by Resolution 2012-222, adopted by the Hightstown Borough Council

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on September 4, 2012.

5. That all other terms and conditions of employment relating to the new hire shall be as set forth in the existing PBA Agreement, as modified by the afore-mentioned "Grievance Settlement Agreement."
6. That all appropriate Borough officials are hereby authorized and directed to take all appropriate actions in furtherance of the intentions set forth in this Resolution.
7. That a certified copy of this Resolution shall be provided to each of the following:
  - a. Appointee Tyler Bender;
  - b. James K. LeTellier, Police Director;
  - c. Lieutenant Frank Gendron;
  - d. Police Commissioner Lawrence Quattrone;
  - e. Elizabeth Garcia, Esq., Borough Labor Counsel; and
  - f. Frederick C. Raffetto, Esq., Borough Attorney

Mayor Kirson then swore Officer Tyler Bender into the position of Police Officer and Councilmember/Police Commissioner Quattrone presented him with his badge. Council then congratulated Officer Bender.

**Resolution 2014-152 Appointing a Class II Police Officer – Jerry Mecca, Jr.**

Councilmember Quattrone moved resolution 2014-152, Council President Bluth seconded.

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

Resolution adopted 5-0.

Resolution 2014-152

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

**APPOINTING A CLASS II SPECIAL OFFICER – JERRY MECCA, JR.**

**WHEREAS**, the Mayor and Borough Council recognize that there is a need to hire a Class II Special Officer to assist the Police Department with various duties in accordance with the provisions of N.J.S.A. 40A:14-146.8 et. seq.; and,

**WHEREAS**, James LeTellier, Police Director, has recommended that Jerry Mecca, Jr. be appointed as a Class II Special Officer for the Borough of Hightstown Police Department; and,

**WHEREAS**, Jerry Mecca, Jr. is qualified to serve as a Class II Special Officer and to carry out all of the duties of a Class II Special Officer; as well, if qualified, carry a Borough issued firearm only during his hours of work for the Borough Police Department; and,

**WHEREAS**, Jerry Mecca, Jr. shall not be eligible to receive pay and/or time off for any leave (vacation, holiday, sick leave, personal days, etc), shall not be eligible for overtime and shall not be eligible for health benefits from the Borough of Hightstown.

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**WHEREAS**, the Borough Council finds it in the best interest of the health, safety and welfare of the residents to appoint Jerry Mecca, Jr. as a Class II Special Officer, pending satisfactorily passing psychological and physical testing.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Hightstown that Jerry Mecca, Jr. is hereby appointed as a Class II Special Officer to assist the Hightstown Police Department, effective July 21, 2014, for the remainder of calendar year 2014, pending satisfactorily passing psychological and physical testing.

**BE IT FURTHER RESOLVED** that Jerry Mecca, Jr. shall not be eligible for the following: (1) pay and/or time off for any leave (vacation, holiday, sick leave, personal days, etc); (2) overtime (whether in pay and/or compensatory time off); and, (3) health/insurance benefits of any kind from the Borough of Hightstown.

Mayor Kirson noted that Class II Officer Mecca will be sworn in at the next meeting.

Councilmember Misiura moved the May 5, 2014 executive session minutes as originally presented for approval, Council President Bluth seconded.

Councilmember Thibault noted that he does not believe the originally presented version of these minutes accurately reflect the executive session.

Roll Call Vote: Council members Bluth, Kurs, Misiura, Quattrone voted yes, and Thibault voted no.

Executive Session Minutes of May 5, 2014 as originally presented were approved 4-1.

Councilmember Kurs moved the July 7, 2014 open session minutes for approval, Councilmember Quattrone seconded.

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

Minutes approved 5-0.

Councilmember Quattrone moved the July 7, 2014 executive session minutes for approval, Council President Bluth seconded.

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

Minutes approved 5-0.

Councilmember Quattrone moved the July 10, 2014 special session minutes for approval, Councilmember Kurs seconded.

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

Minutes approved 5-0.

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

Phyllis Deal, 305 Stockton Street – invited everyone to the firehouse on Thursday at 6:30 when the Animal  
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Welfare Committee will be donating pet resuscitation equipment to the fire department and first aid.

Keith LePrevost, 213 Greeley Street – remarked that he has taken over the Sustainable Jersey Certification for the Borough and has received feedback and information from all the various departments, boards and committees for the bronze certification, but there are still some requirements to be met; he then itemized some of the items being completed and gave a special thank-you to the Borough Clerk, boards, committees and Council for their assistance.

Lynne Woods, 315 Park Avenue – advised that HOPE has been working on getting a medication drop box at the Hightstown Police Department; however a permanent Police Department location is needed.

Eugene Sarafin, 628 S. Main Street – commented that he will use foreign words in place of his usual bad language; noted that while paying a bill at Borough Hall he saw four people of the Planning Board present and if they are meeting regarding the rug mill, while it is not a violation of OPMA, it is not transparent; noted that he will take Hightstown to court no matter what they decide to do with the rug mill property; commented that an executive session should be held and minutes taken for a public record of what is being discussed.

There being no further comments, Mayor Kirson closed the public comment period and called a brief break.

**Ordinance 2014-12 Final Reading and Public Hearing** – Bond Ordinance Providing for Improvements to the Water-Sewer Plants in and by the Borough of Hightstown, in the County of Mercer, New Jersey, Appropriating \$100,000 Therefor and Authorizing the Issuance of \$100,000 Bonds or Notes of the Borough to Finance the Cost Thereof.

Mayor Kirson opened the public hearing on ordinance 2014-12 and the following individuals spoke:

Eugene Sarafin, 628 S. Main Street – inquired as to what improvements are being done with this money.

Mayor Kirson advised that this was discussed at the last meeting. Mr. Underhill reviewed the improvements being undertaken with these funds.

Mr. Sarafin commented that due to its age, an improvement plan for the plant should be developed.

Scott Caster, 12 Clover Lane – commented that Hightstown is the only municipality in Mercer County who operates its own utilities and adopts bonds to maintain them; Council should perform a study for alternatives to running our own plants; 20 years ago the AWWTP was the most advance plant because it was required by the DEP.

Councilmember Quattrone moved ordinance 2014-12 for adoption, Council President Bluth seconded.

Councilmember Quattrone noted that it is important to maintain our infrastructure.

Mayor Kirson noted that he has investigated privatizing the utilities and was told by a water company that there is a guarantee that the rates would double within five years. There is no simple solution, Hightstown has not raised its rates in eight years and privatizing is not presently cost effective.

Councilmember Misiura agreed with Councilmember Quattrone, noting that it is an important responsibility.

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

Ordinance adopted 5-0.

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

**BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO THE  
WATER-SEWER PLANTS IN AND BY THE BOROUGH OF  
HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY,  
APPROPRIATING \$100,000 THEREFOR AND AUTHORIZING THE  
ISSUANCE OF \$100,000 BONDS OR NOTES OF THE BOROUGH TO  
FINANCE THE COST THEREOF**

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

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Borough of Hightstown, in the County of Mercer, New Jersey (the "Borough"). For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$100,000. No down payment is required as the purpose authorized herein is deemed self-liquidating and the bonds and bond anticipation notes authorized herein are deductible from the gross debt of the Borough, as more fully explained in Section 6(e) of this bond ordinance.

Section 2. In order to finance the cost of the improvement or purpose, negotiable bonds are hereby authorized to be issued in the principal amount of \$100,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is improvements to the Water-Sewer Plants, including pump stations and including all work and materials necessary therefor and incidental thereto.

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

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

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no 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 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.

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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 improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Borough may lawfully undertake as a self-liquidating purpose of a municipal public utility. No part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.
- (b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 40 years.
- (c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$100,000, but that the net debt of the Borough determined as provided in the Local Bond Law is not increased by this bond ordinance. The obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.
- (d) An aggregate amount not exceeding \$20,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.
- (e) This bond ordinance authorizes obligations of the Borough solely for purposes described in N.J.S.A. 40A:2-7(h). The obligations authorized herein are to be issued for a purpose that is deemed to be self-liquidating pursuant to N.J.S.A. 40A:2-47(a) and are deductible from the gross debt of the Borough pursuant to N.J.S.A. 40A:2-44(c).

Section 7. The Borough hereby declares the intent of the Borough to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) 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 purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement 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

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Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

**Ordinance 2014-13 Final Reading and Public Hearing** Bond Ordinance Providing for Various Capital Improvements in and by the Borough of Hightstown, in the County of Mercer, New Jersey, Appropriating \$170,000 Thereof and Authorizing the Issuance of \$161,900 Bonds or Notes of the Borough to Finance Part of the Cost Thereof

Mayor Kirson opened the public hearing on ordinance 2014-13 and the following individuals spoke:

Eugene Sarafin, 628 S. Main Street – commented that keeping trucks for 20 years is not cost effective.

Keith LePrevost, 213 Greeley Street – noted that he just completed a fleet inventory for the Sustainable Jersey certification and distributed it to Council, so if they have any questions about it just let him know; his evaluation shows that we are paying registration and insurance for vehicles that we are not using (based on mileage), and this is an opportunity to purchase the appropriate tools and vehicles to reduce costs.

Doug Mair, 536 S. Main Street – commented that instead of purchasing vehicles, Council should identify and explain the use and need for each vehicle for the residents.

Councilmember Quattrone moved ordinance 2014-13 for adoption, Council President Bluth seconded.

Councilmember Quattrone noted that some of the vehicles presently owned are very old and the speedometers do not work so would not show the appropriate mileage, but larger vehicles are used to move heavy equipment and etc.; and the improvements to the firehouse and road repairs are very important. He added that he will work with public works to assure the purchase of the proper vehicles.

Councilmember Thibault commented that there should be a fleet plan as there are very old vehicles; and the low mileage on some of the vehicles is an issue. He then noted that Council just received the fleet inventory today and that Council does its due diligence on these matters.

Councilmember Misiura noted that this analysis is a useful tool and Administration can use it prior to bringing the purchases before Council.

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

Ordinance adopted 5-0.

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*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  
\$170,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF  
\$161,900 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 \$170,000, and further including the aggregate sum of \$8,100 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 \$161,900 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 &amp; Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds &amp; Notes</u>	<u>Period of Usefulness</u>
a) The acquisition of Public Works vehicles, including a dump truck, pick-up truck and utility truck, and including all related costs and expenditures incidental thereto.	\$114,000	\$108,570	5 years
b) Improvements to the Firehouse, including, but not limited to, HVAC System, generator, fire suppression system and radios, and including all work and materials necessary therefor and incidental thereto.	\$13,000	\$12,380	10 years

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c) Engineer expenses for road improvements to Park Way, Grant Avenue and Hutchison Street, including design work and further including all related costs and expenditures incidental thereto.				
	<u>\$43,000</u>		<u>\$40,950</u>	10 years
TOTAL:	<u>\$170,000</u>		<u>\$161,900</u>	

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 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(a) 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 6.64 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 \$161,900, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

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- (d) An aggregate amount not exceeding \$48,000 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 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 the Local Bond.

**Ordinance 2014-14 First Reading and Introduction** An Ordinance Amending, Supplementing, and Revising Subsection 13, Entitled "Use and Occupancy of Space," of Section 13-3, Entitled "Housing Standard for Owner Occupied Units and Rental Units," of Chapter 14, Entitled "Housing," of the "Revised General Ordinances of the Borough of Hightstown, New Jersey"

Borough Attorney Raffetto noted that some minor revisions should be made by moving the last sentence of "a. 1." to paragraph "b".

Councilmember Misiura suggested that "g" be revised to read more clearly its intent.

Councilmember Thibault noted that this ordinance will give code enforcement a tool and he would like to see strict enforcement; he will track the application of this ordinance.

Council President Bluth moved ordinance 2014-14 as amended for introduction, Councilmember Quattrone seconded.

Roll Call Vote: Council members Bluth, Kurs, Misiura, Quattrone, and Thibault voted yes.  
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Ordinance introduced 5-0; public hearing to be held August 4, 2014.

Ordinance 2014-14

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

**AN ORDINANCE AMENDING, SUPPLEMENTING AND REVISING SUBSECTION 13-3-8,  
ENTITLED "USE AND OCCUPANCY OF SPACE," OF SECTION 13-3, ENTITLED  
"HOUSING STANDARD FOR OWNER OCCUPIED UNITS AND RENTAL UNITS,"  
OF CHAPTER 13, ENTITLED "HOUSING," OF THE "REVISED GENERAL ORDINANCES OF THE  
BOROUGH OF HIGHTSTOWN, NEW JERSEY."**

**WHEREAS**, the Mayor and Council wish to amend certain provisions contained within Subsection 13-3-8, entitled "Use and Occupancy of Space," of Section 13-3, entitled "Housing Standard for Owner Occupied Units and Rental Units," of Chapter 13, entitled "Housing," of the Borough Code 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:

Section 1. Subsection 13-3-8, entitled "Use and Occupancy of Space," of Section 13-3, entitled "Housing Standards for Owner Occupied Units and Rental Units," as contained within Chapter 13, entitled "Housing," of the "Revised General Ordinances of the Borough of Hightstown, New Jersey" is hereby amended and supplemented as follows:

**Subsection 13-3-8            Use and Occupancy of Space.**

- a. It shall be the responsibility of the owner to ensure that the maximum number of occupants in a dwelling unit shall not exceed the following standard:
  1. Every dwelling unit shall contain at least one hundred fifty (150) square feet of floor space for the first occupant thereof and at least one hundred (100) additional square feet of floor space for every additional occupant thereof, such floor space to be calculated on the basis of total habitable room area.
- b.
  1. Every room in a dwelling unit occupied for sleeping purposes by one (1) occupant shall contain at least seventy (70) square feet of floor space, and every room occupied for sleeping purposes by more than one (1) occupant shall contain at least fifty (50) square feet of floor space for each occupant thereof. Under no circumstances shall there be more than two (2) occupants in each bedroom of a dwelling unit. Children under the age of two (2) shall not be considered to be additional occupants.
  2. Notwithstanding the foregoing, in every lodging unit every room occupied for sleeping purposes by one (1) occupant shall contain at least eighty (80) square feet of floor space, and every room occupied for sleeping purposes by more than one (1) occupant shall contain at least sixty (60) square feet of floor space for each occupant thereof.
- c. At least one-half (1/2) of the floor area of every habitable room shall have a ceiling height of at least seven (7) feet. The floor area of that part of any room where the ceiling is less than five (5) feet shall not be considered as part of the floor area in computing the total floor area of the room for the purpose of determining the maximum permissible occupancy thereof.
- d. No room in a dwelling unit may be used for sleeping if the floor level of the room is lower than

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three and one-half (3 ½) feet below the average grade of the ground adjacent to and within fifteen (15) feet of the exterior walls of the room.

- e. A room located below the level of the ground but with the floor level less than three and one-half (3 ½) feet below and the average grade of the ground adjacent to and within fifteen (15) feet of the exterior walls of the room may be used for sleeping, provided that the walls and floor thereof in contact with the earth have been damp proofed in accordance with a method approved by the Housing Inspector and that the windows thereof are at least fifteen (15) feet from the nearest building or wall.
- f. Keyed locks on bedroom doors are prohibited. Privacy locks are allowed on bedroom doors, provided that the lock can be opened easily and without the use of force from the outside of the room, or from any hallway or common area, in the event of emergency.
- g. Non-habitable spaces, including storage and closet areas, kitchens, hallways and all portions of living rooms, dining rooms, dens, enclosed porches, attics, and basements shall not be used as bedrooms or otherwise occupied for sleeping purposes; notwithstanding the foregoing, attics and basements may be used as bedrooms if they have been rendered habitable pursuant to all requirements of the State Housing Code.
- h. The number of bedrooms in a dwelling unit is determined by the number of bedrooms on the tax records for the property.
- i. The bedroom cannot be used to pass through to another habitable space, bedroom or kitchen.

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.

Introduced: July 21, 2014

Adopted:

#### **Resolution 2014-153 Authorizing the Payment of Bills**

Council President Bluth moved resolution 2014-153, Councilmember Quattrone seconded.

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

Resolution adopted 5-0.

Resolution 2014-153

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

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### **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 \$68235.03 from the following accounts:

Current		\$41,054.38
W/S Operating		20,520.23
General Capital		2,841.32
Water/Sewer Capital		0.00
Grant		800.00
Trust		2,120.00
Housing Trust		0.00
Animal Control		21.60
Law Enforcement Trust		0.00
Housing Rehab Loans		735.00
Unemployment Trust		0.00
Escrow		<u>142.50</u>
Total		<u><u>\$68,235.03</u></u>

#### **Resolution 2014-154 Authorizing Donor Agreement with RISE**

Council President Bluth moved resolution 2014-154, Councilmember Quattrone seconded.

Councilmember Thibault commented that although he believes the organization does good work, he believes this to be coerced charity with no choice of the taxpayer. Residents can make their own donations by choice and he will abstain from voting on this resolution.

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

Resolution adopted 4-0, with one abstention.

July 21, 2014

Resolution 2014-154

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

**AUTHORIZING EXECUTION OF A DONOR AGREEMENT WITH RISE  
(FORMERLY KNOWN AS THE COMMUNITY ACTION SERVICE CENTER)**

**WHEREAS**, it is the desire of the Mayor and Council to contribute the sum of \$4,000.00 to Rise, a Community Services Partnership, for the year 2014 equivalent to the amount contributed during 2013; and

**WHEREAS**, the New Jersey Department of Human Services has been designated to administer or supervise the administration of social services programs as defined in the New Jersey State plans for social services, and requires the execution of a Donor Agreement between RISE and the Borough of Hightstown; and

**WHEREAS**, the Treasurer has certified the availability of funds for this payment;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the Donor Agreement is hereby accepted and the Mayor is authorized to execute same.

**Resolution 2014-155 Authorizing Donor Agreement with Better Beginnings Child Development Center**

Councilmember Quattrone moved resolution 2014-155, Councilmember Kurs seconded.

Councilmember Thibault commented that just like the last resolution, he does not believe tax dollars should be used to subsidize these organizations.

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

Resolution adopted 4-0, with one abstention.

Resolution 2014-155

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

**AUTHORIZING EXECUTION OF DONOR AGREEMENT  
WITH BETTER BEGINNINGS CHILD DEVELOPMENT CENTER**

**WHEREAS**, it is the desire of the Mayor and Council to contribute the sum of \$8,500.00 to Better Beginnings Child Development Center for the year 2014 equivalent to the amount contributed during 2013; and

**WHEREAS**, the New Jersey Department of Human Services has been designated to administer or supervise the administration of social services programs as defined in the New Jersey State plans for social services, and requires the execution of a Donor Agreement between Better Beginnings and the Borough of Hightstown; and

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**WHEREAS**, the Treasurer has certified the availability of funds for this payment;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the Donor Agreement is hereby accepted and the Mayor is authorized to execute same.

**Resolution 2014-156 Authorizing the Suspension of Water/Sewer Charges for the Properties Uninhabitable Due to a Catastrophic Fire in the Wyckoff Mills Development**

Council President Bluth recused herself from discussion and vote on this resolution because she lives in Wyckoff Mills.

Councilmember Quattrone moved resolution 2014-156, Councilmember Kurs seconded.

Mayor Kirson reviewed the resolution and noted that this has been done for residents in the past; it shows that the Administration and Government in Hightstown care about its residents.

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

Resolution adopted 4-0, with one abstention.

Resolution 2014-156

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

**A RESOLUTION AUTHORIZING THE SUSPENSION OF  
WATER/SEWER CHARGES FOR THE PROPERTIES  
UNINHABITABLE DUE TO A CATASTROPHIC FIRE IN THE  
WYCKOFF MILLS DEVELOPMENT**

**WHEREAS**, there was a catastrophic fire in the Wyckoff Mills Development that displaced eight families from their residences; and

**WHEREAS**, the Borough of Hightstown has acquired final water meter readings from the properties damaged and shall be billing the owners accordingly, and;

**WHEREAS**, it is the desire of the Mayor and Borough Council to suspend all water and sewer service charges for Block 2.01, Lot 1 for the following residences until a temporary certificate of occupancy, or certificate of occupancy is issued:

41 Powell Court	QC0068
42 Powell Court	QC0067
43 Powell Court	QC0066
44 Powell Court	QC0065
45 Powell Court	QC0064
46 Powell Court	QC0063
47 Powell Court	QC0062
48 Powell Court	QC0061

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**WHEREAS**, upon the issuance of a temporary certificate of occupancy, or certificate of occupancy for an affected residence, service charges for water and sewer for the property will resume.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Borough Council of the Borough of Hightstown that the water and sewer charges for the above properties are hereby suspended until the issuance of a temporary certificate of occupancy or certificate of occupancy, and the Borough Collector is authorized to adjust her records, and is hereby released from the collection of same.

Council President Bluth returned to the dais at this time.

**Resolution 2014-157 Authorizing Renewed Shared Services Agreement with East Windsor Township for Emergency Medical Services**

Councilmember Kurs moved resolution 2014-157, Council President Bluth seconded.

Mayor Kirson reviewed the resolution and noted that the negotiated rate for the previous contract is still in effect.

Councilmember Thibault noted that previous contracts were at a much higher cost; and he thanked the volunteers, there is only a need for daytime coverage.

Councilmember Quattrone noted that this is a great agreement.

Mayor Kirson commented that we are very fortunate that the First Aid has such great participation.

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

Resolution adopted 5-0.

Resolution 2014-157

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

**AUTHORIZING RENEWED SHARED SERVICES AGREEMENT WITH EAST WINDSOR TOWNSHIP FOR EMERGENCY MEDICAL SERVICES**

**WHEREAS**, with the adoption of Resolution 2013- 153 on July 1, 2013, the Borough Council approved a Shared Services Agreement with the Township of East Windsor for the provision of Emergency Medical Services for the period July 1, 2013 through June 30, 2014; and

**WHEREAS**, the parties desire to enter into a successor agreement to continue the provision of Emergency Medical Services to the Borough by the Township of East Windsor through March 31, 2015; and

**WHEREAS**, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40:65-1 et seq. authorizes the approval of Shared Services Agreements by Resolution; and

**WHEREAS**, the Mayor and Council have reviewed the proposed Shared Services Agreement for Emergency Medical Services for the period July 1, 2014 through March 31, 2015; and

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**WHEREAS**, the Borough's net share of costs for these services, by the terms of this agreement, will be Seven Thousand Eight Hundred Seventy-Five Dollars (\$7,875.00) for this 9-month period; and

**WHEREAS** the Treasurer has certified that funds are available for this expenditure in the 2014 budget, and it is the intention of the Mayor and Council to provide adequate funding for this expenditure in the 2015 budget;

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

1. The Shared Services Agreement with the Township of East Windsor for Senior Services for the period July 1, 2014 through March 31, 2015 is hereby approved, in accordance with the provisions of N.J.S.A. 40:65-1 et seq.
2. The Mayor and Borough Clerk are hereby authorized and directed to execute the agreement for same.
3. This agreement is approved subject to the provision of adequate funds in the Borough's 2015 budget.

**Resolution 2014-158 Authorizing a Person to Person Transfer for a Liquor License – Tavern on the Lake**

Councilmember Quattrone moved resolution 2014-158, Councilmember Misiura seconded.

Borough Clerk Sopronyi explained that the corporation that owns the Tavern on the Lake changed its name, thus the need to transfer their ABC license to the new name. The owners are the same.

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

Resolution adopted 5-0.

Resolution 2014-158

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

**AUTHORIZING TRANSFER OF LIQUOR LICENSE NO. 1104-33-003-008  
(TAVERN 103, LLC TO PALUMBO RESTAURANTS, INC.)**

**WHEREAS**, an application has been filed for a person-to-person transfer of Plenary Retail Distribution License #1104-33-003-008, heretofore issued to Tavern 103, LLC, for premises located at 101-103 Main Street, t/a Tavern on the Lake; and

**WHEREAS**, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current term; and

**WHEREAS**. The Alcoholic Beverage Retail Licensee Clearance Certificate for this transfer has been issued; and

**WHEREAS**, the application and transfer are necessary due to a name change of the corporation holding said license and whose owners and stockholders remain the same; and

**WHEREAS**, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statute, regulations promulgated thereunder and pertinent local ordinances and conditions consistent with

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Title 33; and

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Hightstown, County of Mercer, State of New Jersey, does hereby approve the transfer of the aforesaid Plenary Retail Distribution License to Palumbo Restaurants, Inc., and does hereby direct the Municipal Clerk to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to Palumbo Restaurants, Inc."

**Resolution 2014-159 Rescinding Tax Sale Certificate No. 0-23, Blake Property Assignment, Block 49, Lot 6**

Council President Bluth moved resolution 2014-159, Councilmember Quattrone seconded.

The Borough Attorney explained that this resolution is a matter of housekeeping, so it can be sent to the County to be recorded.

Mayor Kirson noted that the party has paid the taxes on this property for all these years and are still interested in the property. More discussion on this matter is forthcoming.

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

Resolution adopted 5-0.

Resolution 2014-159

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

**RESCINDING TAX SALE CERTIFICATE NO. 0-23,  
BLAKE PROPERTY ASSIGNMENT, BLOCK 49, LOT 6**

**WHEREAS**, with the adoption of Resolution 2000-306, dated December 27, 2000, the Borough Council authorized the assignment of Tax Sale Certificate No. 0-23 to Lawrence Blake; and

**WHEREAS**, the rights and obligations are specifically set forth in Paragraph 4 of the Tax Certification Assignment that was received and as it was duly recorded at that time states:

"The Assignee (Blake) understands and agrees that, pursuant to N.J.S.A. 54:5-114.7, the Assignee must foreclose on the Tax Certificate within two (2) years of the date of this Assignment (December 27, 2002). This period may be extended upon application prior to expiration of the initial period (December 2, 2002). Only the Governing Body may grant an extension. Upon failure to foreclose and record final judgment, the sale becomes void and title reverts back to the Municipality. There is no refund of money or credit against unpaid taxes to the assignee"; and

**WHEREAS**, there has not been a foreclosure on the property, nor has an extension of time ever granted by the Governing Body after the assignment of the certificate in 2000.

**WHEREAS**, as such, the time period within which to foreclose on the Certificate has expired.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Hightstown, in the County of Mercer and State of New Jersey, that Resolution No. 2000-306 is hereby rescinded; and ownership of the July 21, 2014

property known as Block 49, Lot 6, as designated in Tax Sale Certificate No. 0-23 reverts back to the Borough of Hightstown.

**Resolution 2014-160 Extending the Grace Period for Payment of 2014 Third Quarter Taxes**

Council President Bluth moved resolution 2014-160, Councilmember Quattrone seconded.

Mayor Kirson noted that due to summer hours, the Tax Collector has requested this extension for the payment.

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

Resolution adopted 5-0.

Resolution 2014-160

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

**EXTENDING THE GRACE PERIOD FOR PAYMENT OF 2014 THIRD QUARTER TAXES**

**WHEREAS**, 2014 Third Quarter Taxes are due on August 1, 2014, with a ten-day grace period; and

**WHEREAS**, due to the Borough's current Summer Hours (M-W, 8:00 a.m. to 5:30 p.m. and Thurs. 8:00 am. to 4:30 p.m., closed Fridays) the Mayor and Borough Council finds it to be equitable and proper that the grace period for payment of the 2014 third quarter tax be extended until the thirteenth day of August, 2014.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the grace period for payment of 2014 third quarter taxes be extended until the 13<sup>th</sup> day of August, 2014.

**Consent Agenda: Resolutions 2014-161, 2014-162 and 2014-163**

Council President Bluth moved resolutions 2014-161, 2014-162 and 2014-163 as the consent agenda, Councilmember Quattrone seconded.

Mayor Kirson read the titles of the resolutions aloud.

Councilmember Thibault noted that he has concern regarding resolution 2014-163 and wants to be assured that people's property rights are protected.

Mayor Kirson confirmed that any changes would have to be done by ordinance, and adopted by Council.

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

Resolutions adopted 5-0.

Resolution 2014-161

*BOROUGH OF HIGHTSTOWN*

July 21, 2014

*COUNTY OF MERCER  
STATE OF NEW JERSEY*

**AUTHORIZING PAYMENT # 6 AND FINAL – 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 final contract amount is \$379,104.02 and the project is partially funded by an NJDOT Trust Fund Grant in the amount of \$220,000.00; and

**WHEREAS**, the contractor has submitted payment request #6 final in the amount of \$7,582.08 which releases retainage; and

**WHEREAS**, the required final closeout documents have been filed with the Borough; and

**WHEREAS**, the Borough Engineer has recommended approval of payment #6 final to Pioneer General Contracting Co., Inc. in the amount of \$7,582.08; and

**WHEREAS**, certified payrolls have been received; 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. 6 final to Pioneer General Contracting Co., Inc. of South River, New Jersey in the amount of \$7,582.08 is hereby approved as detailed herein, and the Treasurer is authorized to issue same.

Resolution 2014-162

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

**CONFIRMING TERMINATION OF  
COMMUNICATIONS SITE LEASE AGREEMENT  
WITH METROPCS PENNSYLVANIA, LLC  
(FIRST AVENUE WATER TOWER).**

**WHEREAS**, the Borough of Hightstown (the “Borough”) is a party to a Communications Site Lease Agreement (the “Agreement”) with MetroPCS Pennsylvania, LLC (“Metro”), dated December 19, 2008, whereby the Borough leased a portion of the Borough’s water tower, located at 153 First Avenue, to Metro for the installation of certain antennas and/or other communications equipment for an initial term of five (5) years, with the right to renew for four (4) additional terms of five (5) years each; and

**WHEREAS**, Section 14 of the Agreement provides that Metro may terminate the Agreement immediately for “economic, environmental or technological reasons,” without further liability, by delivery of written notice to the Borough thirty (30) days prior to the anticipated termination date thereof; and

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**WHEREAS**, by letter dated June 19, 2014, Metro provided its written notice to the Borough that it wishes to terminate the Agreement pursuant to the aforementioned provision, due to Metro's recent merger with T-Mobile; and

**WHEREAS**, said termination shall be effective as of November 30, 2014; and

**WHEREAS**, the Borough hereby wishes to confirm said termination, in accordance with the terms of the Agreement.

**NOW, THEREFORE, BE AND IT IS HEREBY 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 Council hereby confirms the termination of the Agreement pursuant to Section 14 thereof, effective as of November 30, 2014.
2. That, as a condition of termination, Metro shall be required to remove all of its antennas and/or other communications equipment from the water tower and the adjacent site area(s), and restore the premises to substantially the same condition which existed as of the commencement date of the Agreement, except for ordinary wear and tear, in accordance with Section 10 of the Agreement.
3. That, notwithstanding the anticipated termination date of November 30, 2014, Metro shall be required to continue to pay rent to the Borough until such time as all of its antennas and/or other communications equipment have been removed from the water tower and the adjacent site area(s).
4. That the Borough is hereby authorized to return any security deposit or performance guarantee(s) previously posted by Metro, following a determination that the premises has been satisfactorily restored to the same condition existing as of the commencement of the Agreement, except for ordinary wear and tear. If, however, the Borough should determine, in its sole discretion, that any damage has been occasioned to the water tower or the adjacent property by Metro, then the Borough shall be authorized to retain a portion of the security deposit and/or performance guarantee(s) that is sufficient to cover the cost and expense of rectifying the damage, and to return the balance of the security deposit or performance guarantee(s), if any remaining, to Metro thereafter.
5. That all relevant Borough officials are hereby authorized and directed to execute any necessary documents in order to effectuate the intentions of the within Resolution, and to perform all necessary actions associated therewith.
6. That a certified copy of this Resolution shall be provided to each of the following individuals:
  - (a) MetroPCS Pennsylvania, LLC
  - (b) Henry Underhill, Borough Administrator
  - (c) George Lang, CFO
  - (d) Hightstown Borough Planning Board
  - (e) Frederick C. Raffetto, Esq., Borough Attorney

Resolution 2014-163

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

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**AUTHORIZING THE APPLICATION AND CERTIFICATION AGREEMENT FOR  
THE CERTIFIED LOCAL GOVERNMENT HISTORIC PRESERVATION PROGRAM**

**WHEREAS**, the United States Congress under the National Historic Preservation Act of 1966, amended (16 U.S.C. 470), has authorized the establishment of a Certified Local Government program; and

**WHEREAS**, the State of New Jersey, represented by the State Historic Preservation Officer, is responsible for the administration of the program within the state and the establishment of necessary rules and procedures governing the application by local agencies under the program; and

**WHEREAS**, said adopted procedures established by the State of New Jersey requires the applicant to certify by resolution of the local government's elected officials the approval of an application prior to submission of said application to the state;

**NOW, THEREFORE, BE IT RESOLVED** that the Hightstown Borough Council hereby:

1. Approves the filing of an application for certification under the Certified Local Government Program; and
2. Appoints the Mayor as the agent of the Borough to coordinate, process, and execute all contracts, agreements, amendments, and ancillary documents within the scope of the application for certificate.

**Land Use Pledge Revision**

Borough Clerk Sopronyi noted that the clause to be added per this request was deleted by the previous Council because they did not want to obligate the Borough to “build green” due to their present circumstances with Borough Hall. She continued that this request was made by Mr. LePrevost and that the Planner has been consulted to evaluate whether the revision would obligate the Borough in any way; Ms. Lee, the Planner, stated that it would not.

Keith LePrevost noted that the resolution is not a mandate, it is to support and encourage green building; it is required to satisfy the requirements of Sustainable Jersey, which makes grant funds available to the Borough.

Councilmember Thibault noted that he would like to see economic sense to building green.

Council directed the Clerk to add this resolution to the agenda for the next meeting.

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

Phyllis Deal, 305 Stockton Street – commented that the people of Wyckoff Mills have told her that they were inundated with donations of pet food for the victim families, so she suggested that they donate their overage to RISE.

Lynne Woods, 315 Park Avenue – inquired as to whether the updated FEMA maps were every adopted by Mercer County and when there would be access to the new maps.

Eugene Sarafin, 628 S. Main Street – commented that this was a nice meeting, it shows democracy in action; noted his discontent with the Governor and Supreme Court.

Doug Mair, 536 S. Main Street – addressed Councilmember Thibault regarding resolutions 2014-154 and 2014-155 and his comments, noting that he can’t say taxpayers should not contribute to the services offered

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and that they do good work; he should not abstain, he should vote yes or no. If the speedometers are not working in the vehicles, Council did not perform due diligence in the matter.

Walter Sikorski, 326 N. Main Street – gave a history of the Better Beginnings Child Development Center and noted that the donation made by Hightstown is matched \$3.00 to each \$1.00 donated by the Federal Government; every youngster learns English and this is an investment in students who are entering our school system.

Scott Caster, 12 Clover Lane – thanked the Borough Administrator for the news sheet in the tax bills; the bicycle ordinance must be enforced; thanked the Mayor for the dialogue on water/sewer, but shared services should be considered; Hightstown subsidizes East Windsor.

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

### **Mayor/Council/Administrative Comments and Committee Reports**

**Councilmember Kurs** – commented that he attended the Housing Authority meeting and the big topic was hot water for the washing machines, and there were positive comments regarding the police foot patrols; noted that there is a “no bicycles” sign on Stockton Street and Mr. Underhill has reached out to DOT for permission to place signs on Main Street.

**Councilmember Thibault** – advised that the First Aid is investigating a narcan certification. Police Director LeTellier advised that all of the officers are presently being trained for narcan.

Councilmember Thibault then commented that he voted no on the donor resolutions last year and got criticized so this year he abstained; there are a lot of non-profits that do good work, but we do not give them tax dollars.

**Councilmember Quattrone** – noted that one of the hardest things to do as a Councilmember is to make decisions and vote on them, to abstain (unless there is a conflict) says you don’t want to be involved; he thanked the Attorney, Administrator, and police for their good work, crime is not a big worry in Hightstown and police presence is needed.

**Council President Bluth** – commented that the Parks & Recreation Chair, Pat Duncan, has handed in his resignation because he is moving out of Hightstown effective August 1<sup>st</sup> due to a job transfer; she read his letter aloud. She reminded everyone that there is a concert in the park this Thursday.

**Administrator Underhill** – advised that he has contacted DOT and found out that our ordinance was never sent to DOT and permission to post signs was never requested; we must meet the criteria for signs such as placement, shape and size.

**Police Director LeTellier** – noted that signs posted on state roadways must meet DOT criteria and that the Council may want to revise the ordinance to include other wheeled vehicles such as skate boards, etc; August 5<sup>th</sup> is National Night Out in Memorial Park at 6:00 pm.

Councilmember Quattrone moved to adjourn at 9:13 pm, Councilmember Misiura seconded. All ayes.

Respectfully Submitted,

Debra L. Sopronyi, RMC

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Borough Clerk

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