

**Meeting Minutes
Hightstown Borough Council
Regular Meeting
July 7, 2014
6:30 pm**

The meeting was called to order by Mayor Kirson at 6:32 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; James LeTellier, Police Director; and Fred Raffetto, Borough Attorney.

Resolution 2014-142 Authorizing a Meeting Which Excludes the Public

Councilmember Quattrone moved resolution 2014-142 as amended, Council President Bluth seconded.

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

Resolution adopted 5-0.

Resolution 2014-142

*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 7, 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.

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

Contract Negotiations – Metro PCS
Tomco
Personnel – Police Dispatcher
Hiring of Police Officer

Stated as precisely as presently possible the following is the time when and the circumstances under which the discussion
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conducted at said meeting can be disclosed to the public: October 7, 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 7:31 pm and he again read the Open Public Meetings Act statement.

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

Mayor Kirson requested that the agenda be amended as follows: add Wyckoff Mills Update as a presentation and Hiring of a Police Officer under discussion.

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

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

Agenda approved as amended 6-0.

Wyckoff Mills Update

Mayor Kirson noted that, as most are aware, there was a lightning strike at Wyckoff Mills in which eight families were displaced and lost their possessions. He went to the location today and noted that the restoration company was present and that it will take a considerable amount of time for the recovery as an architect and engineer will have to be hired. Mayor Kirson then commented that the fire department did a great job under the leadership of Fire Chief Scott Jenkins; we have great volunteer firefighters and it made a difference.

Scott Jenkins, Fire Chief, then gave an overview of the actions of the fire department noting that response time was within thirty seconds of when the call came in and the fire spread rapidly. He continued that there were 16 to 18 companies present and assisting and the Police were very quick to respond and got a lot of residents out before the fire department even arrived; without the Police Department response being so timely, lives could have easily been lost. This was a tragedy and it is up to the Borough to assure that it does not happen again, lightning rods should be installed; he will be addressing the Wyckoff Mills Association regarding this matter. He again thanked all the companies and police for their response and a list of all units who assisted is forthcoming.

Mayor Kirson then noted the community is rising to the occasion and introduced Walter Vincent from Presbyterian Disaster Assistance.

Mr. Vincent gave an overview of the organization's evaluation of the situation and noted that they are attempting to assist the families affected by this tragedy in the long term. The churches have joined together and held a special joint service with a special collection and the sale of gift cards for the victims. There has been a central long term recovery contact established with the Methodist Church and those wishing to donate can go to the Methodist Church website and make donations on line.

Mayor Kirson commented that their assistance is appreciated and he will attempt to get the information to the media; the Borough Clerk commented that she will place a link on the Borough's website.

Council President Bluth, who is a resident of Wyckoff Mills, noted that the residents of the development cannot thank everyone enough, from the fire and police departments' responses to the donations of food, toys and clothing for the victims; the response has been incredible. She also gave a special thank you to Americana Diner for their generosity to the victim families.

Phyllis Deal noted that there is free pet food available at Shoprite, just speak to the Manager and they will take care of getting the food for the pets of the victims.

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Council President Bluth moved the May 5, 2014 executive session minutes for approval, Councilmember Thibault seconded.

Councilmember Misiura had concern with the minutes and noted that he cannot approve the minutes with the changes that have been made since they were tabled at the last meeting. The Borough Attorney recommended that action on the minutes be deferred and the minutes can be discussed during executive session at the next meeting.

Council President Bluth moved that the executive session minutes for May 5, 2014 be tabled at this time, Council members Misiura seconded.

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

Executive Session Minutes of May 5, 2014 tabled: 5-1.

Councilmember Quattrone moved the June 16, 2014 open session minutes for approval, Councilmember Kurs seconded.

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

Minutes approved 5-0, with one abstention.

Council Quattrone moved the June 16, 2014 executive session minutes for approval, Council President Bluth seconded.

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

Minutes approved 5-0, with one abstention.

Certified Local Government – Historic Preservation Commission

Rick Pratt, Chair of the Historic Preservation Commission (HPC) and Planning Board Member, noted that the HPC has been trying for five years to have Hightstown Borough become a Certified Local Government, and a resolution from the Council is needed to get the certification moving; the remainder of the requirements will be done by the HPC. The process to maintain the certification will also be done by the HPC; and the certification will make specific grants, free technical assistance, and training available to the HPC. A lot of the requirements are already being done by the HPC, such as an inventory of historic places; and guidelines will need to be developed, but the HPC will apply for grants. He noted that there are only five New Jersey cities that are classified as Preserve American Cities, and the HPC would like to work the Borough up to that national initiative for historic preservation.

There was discussion and Council inquired and confirmed that this certification does not change the status of the HPC from being an advisory commission; it does not give them additional authority. There was additional discussion regarding Borough ordinances, maintaining standards, the historic value of Hightstown, the authority of the HPC, property owner rights. It was confirmed that the HPC will not have the authority to adopt ordinances.

The Borough Clerk was directed to add the resolution to the next meeting agenda.

Resolution 2014-143 Authorizing Change Order #2 Final and Payment #5 – Pioneer General Contracting Co., Inc. (Improvements to Grape Run Road and Pershing Avenue)

Council member Quattrone moved resolution 2014-143, Councilmember Thibault seconded.

There was discussion regarding the completion of the project and Council commented that the project was a much needed improvement to the area and looks great.

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

Resolution adopted 6-0.

Resolution 2014-143

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

AUTHORIZING CHANGE ORDER #2 AND FINAL & PAYMENT # 5 – 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 #2 and Final which adjusts the contract for as-built quantities and adds supplemental item S-5 for the installation of an underdrain to intercept excess groundwater in the project area, reducing the contract by \$33,145.98; and

WHEREAS, the change order also extends the date of completion to May 29, 2014 due to weather delays and wet subgrade conditions which slowed paving operations; and

WHEREAS, the Borough Engineer has recommended approval of change order #2; and

WHEREAS, the contractor has submitted payment request #5 related to surface and base paving, construction of curb and sidewalk, driveway repairs, and restoration work through May 29, 2014 in the amount of \$171,742.08; and

WHEREAS, the amount of this payment is for general construction in the amount of \$171,742.08; and

WHEREAS, the Borough Engineer has recommended approval of payment #5 to Pioneer General Contracting Co., Inc. in the amount of \$171,742.08 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 #2 for a contract reduction in the amount of \$33,145.98, and Payment Request No. 5 to Pioneer General Contracting Co., Inc. of South River, New Jersey in the amount of \$171,742.08 is hereby approved as detailed herein, and the Treasurer is authorized to issue same.

Resolution 2014-144 Awarding a Contract for Morrison Avenue Overlay – The Earle Companies

Councilmember Kurs moved resolution 2014-144, Council member Quattrone seconded.

There was discussion regarding the poor repairs made by East Windsor at the end of Morrison Avenue and the needed repairs to Ward Avenue.

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

Resolution adopted 6-0.

Resolution 2014-144

July 7, 2014

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

**AWARDING A CONTRACT FOR MORRISON AVENUE OVERLAY – THE EARLE
COMPANIES**

WHEREAS, three (3) bids were received on June 26, 2014 for Morrison Avenue overlay and Ward Street repairs in Hightstown Borough; and

WHEREAS, the base bid was for the overlay of Morrison Avenue, and the repairs to Ward Street were included as Alternate A-1; and

WHEREAS, the bids have been reviewed by the Borough Engineer and the Engineer has determined that the bid for alternate A-1, the repairs to Ward Street, exceeds the Engineer's estimate and should not be awarded; and

WHEREAS, it is the Engineer's recommendation that a contract for the base bid only for the Morrison Avenue Overlay be awarded to The Earle Companies of Farmingdale, New Jersey in the amount of \$109,443.33; and

WHEREAS, the Borough Attorney has reviewed the bid and determined that the bid submitted by The Earle Companies is in order with respect to legal compliance; and

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the contract for the Morrison Avenue Overlay is hereby awarded to The Earle Companies of Farmingdale, New Jersey in the amount of \$109,443.33.

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

Doug Mair, 536 S. Main Street – requested that the executive session minutes of May 5, 2014 be made public; commented that Council needs to be sure that the HPC will not gain power with the certification, there are too many board with power, such as the Planning Board; and that while resolution 144 states that an award is only being made for Morrison Avenue, it appears you are doing both roads anyway.

Phyllis Deal, 305 Stockton Street – commented that she resided in the Historic District when it was developed and there were no requirements, she is not comfortable with requirements being placed on the homeowners; reiterated that free pet food is available to the victim of the Wyckoff Mills fire.

Eugene Sarafin, 628 S. Main Street – commented that they did a great job on Grape Run Road; the Planning Board has certain authority by law and it is for a reason; commented regarding his discontent with the Governor.

Scott Caster, 12 Clover Lane – commented that public comment should be held prior to the Council taking any action, having it after just to save Engineer fees is not warranted; the ordinance regarding bicycles on the sidewalk needs to be enforced and signs posted, it is a safety issue.

Connor Montferrat, 414 Stockton Street – implored Council to support the HPC and the Local Government Certification.

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

Ordinance 2014-12 First Reading and Introduction – 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.

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Councilmember Quattrone moved ordinance 2014-12 for introduction, Councilmember Bluth seconded.

Mayor Kirson noted that these ordinances are for the capital requests Mr. Underhill discussed with Council at the last meeting. Councilmember Quattrone thanked the CFO for the debt information distributed to Council; and Councilmember Thibault noted that the Borough is well below its limitation for indebtedness.

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

Ordinance introduced 6-0; Public Hearing to be held on July 21, 2014.

Ordinance 2014-12

*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 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.

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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 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 \$170,000 Thereof and Authorizing the Issuance of \$161,900 Bonds or Notes of the Borough to Finance Part of the Cost Thereof

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

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

Ordinance introduced 6-0; Public Hearing to be held on July 21, 2014.

Ordinance 2014-13

*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 & Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds & 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

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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
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.	\$43,000	\$40,950	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.
- (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.

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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.

Resolution 2014-145 Authorizing the Payment of Bills

Council President Bluth moved resolution 2014-145, Councilmember Misiura seconded.

Councilmember Quattrone requested a copy of an invoice. Councilmember Thibault inquired about a charge from the Borough Attorney; to which the Borough Attorney advised that it pertained to a settled case. Councilmember Thibault noted that he will abstain.

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

Resolution adopted 5-0, with one abstention.

Resolution 2014-145

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 \$884,877.95 from the following accounts:

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Current		\$817,557.22
W/S Operating		46,734.14
General Capital		9,698.65
Water/Sewer Capital		12.00
Grant		2,286.38
Trust		810.56
Housing Trust		0.00
Animal Control		0.00
Law Enforcement Trust		0.00
Housing Rehab Loans		0.00
Unemployment Trust		0.00
Escrow		<u>7,779.00</u>
Total		<u>\$884,877.95</u>

Resolution 2014-146 Authorizing a Shared Services Agreement Between Hightstown Borough and East Windsor Township for Contribution of the Matching Local Share for Bus Services

Council member Quattrone moved resolution 2014-146, Councilmember Kurs seconded.

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

Resolution adopted 6-0.

Resolution 2014-146

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

**AUTHORIZING A SHARED SERVICES AGREEMENT BETWEEN HIGHTSTOWN
BOROUGH AND EAST WINDSOR TOWNSHIP FOR CONTRIBUTION OF THE MATCHING
LOCAL SHARE FOR BUS SERVICES**

WHEREAS, the Borough of Hightstown is desirous of entering into a renewed shared services agreement with the Township of East Windsor for the purpose of providing public transportation services for its citizens; and

WHEREAS, the term of said agreement shall be from July 1, 2014 through June 30, 2015; and

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WHEREAS, the Borough's share of the cost of this service, by the terms of the agreement, is \$2,180.00, representing no increase from prior years; and

WHEREAS, the Treasurer has certified the availability of funds for this expenditure.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Mayor and Borough Clerk are hereby authorized and directed to execute a Shared Services Agreement for Contribution of the Matching Local Share for Bus Services with East Windsor Township in the amount of \$2,180.00.

Consent Agenda Resolutions 2014-147, 2014-148 and 2014-149:

Council President Bluth moved resolutions 2014-147, 2014-148 and 2014-149 as the consent agenda, Councilmember Hansen seconded.

Mayor Kirson read the titles of the resolutions aloud.

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

Resolutions adopted 5-0, with one abstention.

Resolution 2014-147

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

SUPPORTING AND SPONSORING THE ANNUAL PAWS WALK

WHEREAS, the Mayor and Borough Council find that the household pet provides comfort and companionship to many residents in the Borough; and

WHEREAS, members of the Trap-Neuter-Spay program have organized the PAWS Walk; and

WHEREAS, the PAWS Walk brings the pet owners and their dogs of the community together and provides information and services pertaining to being a dog owner; and

WHEREAS, the Mayor and Borough Council supports the PAWS Walk and is sponsoring the event on behalf of the members of the Trap-Neuter-Spay program.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown fully support and therefore sponsor the PAWS Walk organized by the members of the Trap-Neuter-Spay program.

Resolution 2014-148

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

**AUTHORIZING THE ISSUANCE OF AN AUCTION LICENSE – JOHN PAUL GEIJER
MEMORIAL FOUNDATION**

WHEREAS, an application for a license to hold an auction on Saturday, September 27, 2014 at 140 North Main Street in the Borough of Hightstown has been submitted by John Paul Geijer Memorial Foundation, together with the required fee; and July 7, 2014

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 John Paul Geijer Memorial Foundation for this event.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Borough Clerk is hereby authorized to issue a license to John Paul Geijer Memorial Foundation for their auction to be held on Saturday, September 27, 2014 at 140 North Main Street.

Resolution 2014-149

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

**AUTHORIZING A SECOND AMENDMENT TO THE LEASE AGREEMENT WITH KATSIFIS FAMILY, LLC,
RELATING TO CERTAIN BOROUGH-OWNED PROPERTY LOCATED AT BLOCK 7, LOT 41 (ROUTE 130) ON
THE HIGHTSTOWN BOROUGH TAX MAP**

WHEREAS, the Borough of Hightstown is a party to a Lease Agreement (the "Lease") with Katsifis Family, LLC, concerning a portion of certain Borough-owned property located at Block 7, Lot 41 (Route 130) on the Hightstown Borough Tax Map (the "property"); and

WHEREAS, the parties wish to authorize a Second Amendment to the Lease, which would expand the scope of the permitted uses associated with the property such that, in addition to the parking of motor vehicles, the property may also be utilized for the location of temporary farm stands for local farm produce; and

WHEREAS, the proposed revision is set forth in the attached "Second Amendment to Lease Agreement."

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

1. That the Borough Council hereby provides its consent to the Second Amendment to the Lease Agreement as set forth above.
2. That the Mayor is hereby authorized to execute, and the Borough Clerk to attest, the attached "Second Amendment" to the Lease Agreement in order to effectuate said revision.
3. That a certified copy of this Resolution shall be provided to each of the following individuals:
 - (a) Katsifis Family, LLC
 - (b) Mark Shane, Esq.
 - (c) Henry Underhill, Borough Administrator
 - (d) George Lang, CFO
 - (e) Kenneth Pacera, Tax Assessor
 - (f) Carmela Roberts, Borough Engineer
 - (g) Frederick C. Raffetto, Esq., Borough Attorney

Draft Housing Ordinance

Mr. Underhill advised that the changes are being recommended by George Chin, Construction Official, and will assist the Code Enforcement office with doing their job. Councilmember Quattrone noted that this ordinance is moving the Borough in the right direction and Councilmember Misiura noted that this ordinance provides the tools needed for enforcement.

The Borough Attorney noted that a change must be made to the verbiage in 13-3-8(a) to remove the reference to "lesser".

Councilmember Misiura commented that "g" should read attics and basements, and the phrase in parenthesis should follow.
July 7, 2014

The Borough Clerk was directed to make the appropriate changes and add the ordinance on the next agenda for introduction.

COAH

Mayor Kirson commented that some of the changes to the rules appear to benefit Hightstown more than the previous rules.

There was discussion and clarification regarding the memo of comments put forth by the Borough Planner.

Councilmember Misiura noted that the Borough Clerk will submit the comments to the state Affordable Housing office under the Mayor's signature.

There was further discussion regarding the Borough's inability to take affordable housing credit for the Housing Authority.

Hiring of a Police Officer

Mayor Kirson noted that an officer has resigned from the Borough.

Police Director LeTellier advised that Officer Toma has resigned and he recommends that Class II Officer Bender be promoted to Police Officer; noting that he has received the highest score in the history of the academy, is very intelligent, dedicated, and well-trained. He continued that he would like to replace the Class II in the near future and will come forward with a recommendation.

Councilmember/Police Commissioner Quattrone added that Lt. Gendron agrees with the recommendation of making Tyler Bender a regular full time officer.

There was discussion regarding scheduling, dispatch, and the benefit of having prepared officers in wait. The Borough Clerk was directed to have a resolution promoting Officer Bender at the next meeting.

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

Phyllis Deal, 305 Stockton Street – commented that there is already an ordinance preventing attics from being used as bedrooms.

Scott Caster, 12 Clover Lane – complimented Officer Toma and noted that he will be missed; commented that the Borough should take the State to court over COAH; he thinks the housing ordinance needs to go further; Bicycle signs need to be installed downtown; there is no media press in Hightstown.

Walter Sikorski, 326 N. Main Street – noted that Hightstown previously was the beneficiary of \$800,000 in RCA funds under COAH and the funds were used to improve properties.

Eugene Sarafin, 628 S. Main Street – commented that Council held nice intelligent discussion tonight and they are doing a good job; East Windsor's tax rate is costing Hightstown approximately \$2.8M; East Windsor is only concerned with power, not people.

Doug Mair, 536 S. Main Street – noted that he is sad to lose Officer Toma, he is a very good officer; he should be able to address Council without receiving abuse from other residents, Council needs to set a standard and bad language should not be permitted.

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 they would like to serve as the Development Authority for the Borough; there is a misappropriation of Hightstown non-residents in the Child Health Clinic; the Housing Director is converting all of their washing machines to cold water only; he is sorry for the residents of Wyckoff Mills.

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Councilmember Quattrone – advised that the Police Department will begin to include bicycle offenses and warnings in their monthly report; thanked the fire and police departments, and others in the community; commented that Hightstown is losing a good officer who will go work in his home community, but he is being replaced by another good officer at the next meeting.

Councilmember Hansen – commended the fire and police departments; noted that she is impressed with the administration and staff of the Borough, they work together very well.

Councilmember Misiura – thanked the police and fire departments, and relief groups for their support, it is an example of Hightstown's spirit of community; the code enforcement report has been received and they are doing a good job; the Theater in the Park Program starts tonight.

Council President Bluth – noted that the Concerts in the Park series begins this Thursday and there is also an important Council meeting this Thursday.

Councilmember Quattrone – noted that East Windsor put on good fireworks for the Fourth of July.

Mayor Kirson – noted that there is a joint meeting of the Borough Council and Planning Board on Thursday night at 7pm regarding the re-development of the rug mill; commented that RCA payments for affordable housing are now illegal and this causes undue hardship to small communities; unfortunately, bad language is a freedom of speech and is out of the control of Council.

Councilmember Misiura moved to adjourn at 9:28 pm, Councilmember Hansen seconded. All ayes.

Respectfully Submitted,

Debra L. Sopronyi, RMC
Borough Clerk

July 7, 2014