

Meeting Minutes

Hightstown Borough Council

Regular Meeting

October 19, 2009 7:00 p.m.

The meeting was called to order by Mayor Robert Patten at 7:00pm and he read the Open Public Meetings Act statement which stated, "Adequate notice of this meeting has been given in accordance with the Open Public Meetings Act, pursuant to Public Law 1975, Chapter 231. Said notice was advertised in the *Trenton Times* and the *Windsor-Hights Herald*, and is posted in the Borough Clerk's office."

The Flag Salute was followed by an introduction of the new Borough Clerk, Debra Sopronyi. Roll call was then taken.

ROLL CALL

	PRESENT	ABSENT
Mayor Patten	✓	
<i>Councilmember Bond</i>	✓	
<i>Councilmember McGinty</i>	✓	
<i>Councilmember Quattrone</i>	✓	
<i>Councilmember Schneider</i>	✓	
<i>Councilmember Sikorski</i>	✓	
<i>Councilmember Theokas</i>	✓	

Also in attendance: Debra Sopronyi, Borough Clerk; Frederick Raffetto, Borough Attorney; and Carmela Roberts, Borough Engineer.

Approval of Agenda

Council President Sikorski moved that the agenda be approved, seconded by Councilmember Bond and approved by all.

Approval of Minutes

Councilmember McGinty stated that she believes that resolution 2009-220, as in the minutes, was beyond the scope of what Council had discussed regarding the content of the resolution. She addressed the Borough Attorney with the parliamentary inquiry as to whether Council can vote to approve these minutes, which would change what Council had actually voted on at the meeting.

The Borough Attorney responded that he believes there was a misunderstanding as to what was to be placed in the resolution. The motion was for the removal of the moratorium on taxi licenses, however discussion ensued and there was never a motion to amend the resolution to include the other items of discussion. He stated that Councilmember McGinty is correct, the motion for the resolution was to lift the moratorium and it should be corrected to better reflects the motion of Borough Council. He suggested the minutes be tabled until the next meeting to allow for the correction to the resolution.

Council President Sikorski moved to table the minutes of September 21, 2009 until the meeting of November 2, 2009, Councilmember Schneider seconded, all approved.

Public Comment

Mayor Patten opened the floor for public comment.

Eugene Serafin – 628 S. Main St., asked why there was an executive session on the agenda when no reason for it was stated; he stated that this was in violation of the Sunshine Law. Mr. Serafin stated that the new Clerk should know that it is not legal to have an executive session without advising the public of its purpose. He also expressed that he feels the Mayor should not run a meeting, that is what the Council President should be doing.

Torry Watkins – 68 Meadow Drive, welcomed the new Clerk. He congratulated the Fair Committee for a successful fair, but feels that unfortunately this fair was blatantly partisan. In reviewing the bill paying schedule he found that \$200 was being paid to Mr. Greg Ciano for being the MC, but he is the Co-Chair of the Fair; he questions a conflict of interest.

There being no further comments, the Mayor closed the Public Comment period.

Engineer's Items

Council President Sikorski brought to the attention of Council that the original number assigned to resolution 2009-229 was used on a previous resolution. He stated that it was suggested by Ms. Sopronyi that this resolution number be changed to 2009-239 to correct the error.

Resolution 2009-239 Authorizing Change Order #1 and Payment No. 2 –Final for Ace Manzo, Inc.

Ms. Roberts reviewed the provisions of the resolution and stated that the retainage will not be released until NJDOT gives their approval.

Resolution 2009-239 was moved by Councilmember Bond and seconded by Council President Sikorski. Discussion followed.

Councilmember Quattrone commented that he only received one complaint on this entire project; and that was because they shut the water off when a woman was in the shower. They are to be commended.

Roll Call Vote: Councilmembers Bond, McGinty, Quattrone, Schneider, Sikorski and Theokas voted yes

Resolution adopted, 6-0

Resolution 2009-239
Authorizing CHANGE ORDER NO. 1 AND Payment No. 2 – FINAL Ace-Manzo, Inc.
(Morrison Avenue improvements)

WHEREAS, on June 15, 2009, the Borough Council awarded a contract for Morrison Avenue improvements to Ace-Manzo, Inc. of Aberdeen, New Jersey in the amount of Four Hundred and Ninety-Four Thousand Four Hundred and Forty-Four Dollars and Nine Cents (\$494,444.09); and

WHEREAS, the contractor previously submitted Payment Request No. 1 for work done in the total amount of \$191,627.65 (\$168,381.15 for water-sewer related improvements and \$23,246.50 for general capital improvements); and,

WHEREAS, the contractor has submitted change order No. 1 consisting of extras in the amount of \$15,530.98, supplemental in the amount of \$18,715.86 and a reduction in the amount of \$46,846.07 reducing the total amount of the contract by \$12,599.23 (or 2.55%); and,

WHEREAS, the contractor has submitted Payment Request No. 2, Final Payment, in the amount of \$280,580.31 (\$30,306.96 for water-sewer related improvements and \$250,273.35 for general capital improvements); and,

WHEREAS the Borough Engineer has recommended approval of this payment request, subject to receipt of all required certified payrolls;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that Change Order No. 1 and Payment Request No. 2-Final from Ace-Manzo, Inc. of Aberdeen, New Jersey in the amount of \$280,580.31, as detailed herein, is hereby approved, and the Treasurer is authorized to issue same, subject to receipt of all required certified payrolls.

Resolution 2009-230 Authorizing Payment #9 – Final and project closeout for B & H Construction

Ms. Roberts reviewed the provisions of the resolution.

Resolution 2009-230 was moved by Councilmember Theokas and seconded by Council President Sikorski. Discussion followed.

Council President Sikorski posed a question about an issue DEP has with the project. Ms. Roberts stated that DEP has placed the special condition on the use of the well, requiring the Borough post-chlorinate; however it is unrelated to the contract, but it does affect when the well can be put into operation. She is working with DEP to resolve the issue and get permission to use the well.

Roll Call Vote: Councilmembers Bond, McGinty, Quattrone, Schneider, Sikorski and Theokas voted yes

Resolution adopted, 6-0

Resolution 2009-230

Authorizing Payment No. 9 – FINAL AND PROJECT CLOSEOUT FOR B&H Contracting, Inc. (Well #3)

WHEREAS, on August 4, 2008 the Borough Council awarded a contract for water treatment plant improvements (Well House No. 3) to B & H Contracting of Folsom, New Jersey in the amount of Five Hundred Seventy-Five Thousand Three Hundred Dollars (\$575,300.00); and

WHEREAS, Change Order No. 1 to this contract was subsequently approved in the amount of Seventeen Thousand and Seventy-Eight Dollars (\$17,078.00), bringing the total contract price to Five Hundred Ninety Two Thousand Three Hundred and Seventy-Eight Dollars (\$592,378.00); and

WHEREAS, the contractor has submitted Change Order No. 2 which adjusts contract quantities to as-built quantities and which reduces the contract amount by \$7,050.00, adjusting the total contract amount to \$585,328.00; and

WHEREAS, the contractor has submitted Payment Request No. 9 - Final for work done in the total amount of \$16,801.56, along with the required certified payrolls; and

WHEREAS the Borough Engineer has recommended approval of this payment request; and

WHEREAS, the closeout documentation for this contract including Contractor's Release, Consent of Surety to Final Payment and Maintenance Bond have been received and the Borough Attorney's review has found these documents to be in order.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that Change Order No. 2 and Payment Request No. 9 - Final from B & H Contracting of Folsom, New Jersey in the amount of \$16,801.56, as detailed herein, is hereby approved, and the Treasurer is authorized to issue same.

BE IT FURTHER RESOLVED, that the contract for this project shall be closed out.

Resolution 2009-231 Awarding Contract to Custom Environmental for Zeta Lyte 1A Anionic Polyelectrolyte

Ms. Roberts reviewed the provisions of the resolution.

Resolution 2009-231 was moved by Council President Sikorski and seconded by Councilmember Theokas. Discussion followed.

Councilmember McGinty inquired into the 2nd paragraph of the resolution where it states that it is the "firm's recommendation". It was clarified by Ms. Roberts that it is her recommendation and should read the "Engineer's recommendation".

Councilmember McGinty moved that the resolution be amended to read accordingly, seconded by Council President Sikorski. The amendment was approved by all.

Amended Resolution 2009-231 was moved by Council President Sikorski and seconded by Councilmember Theokas.

Roll Call Vote: Councilmembers Bond, McGinty, Quattrone, Schneider, Sikorski and Theokas voted yes

Resolution adopted as amended, 6-0

Resolution 2009-231

AWARDING CONTRACT FOR ZETA LYTE 1A ANIONIC POLYELECTROLYTE – CUSTOM ENVIRONMENTAL TECHNOLOGY, INC.

WHEREAS, three (3) bids were received on October 13, 2009 for Chemical Purchases for the Advanced Wastewater Treatment Plant (AWWTP) in Hightstown Borough; and

WHEREAS, the bids have been reviewed by the Borough Engineer and it is the Engineer's recommendation that a one year contract for the chemical known as Zeta 1A Anionic Polyelectrolyte be awarded to the low bidder, Custom Environmental Technology, Inc. of Collegeville, Pennsylvania at a per unit price of \$11.78 per gallon with a total contract price of \$5,831.10; and

WHEREAS, the Borough Attorney has reviewed the bids and has determined that the bid submitted by Custom Environmental Technology, Inc. is in order with respect to legal compliance; and

WHEREAS, the Chief Financial Officer 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 contract for Zeta 1A Anionic Polyelectrolyte is hereby awarded to Custom Environmental Technology, Inc. of Collegeville, Pennsylvania

Resolution 2009-232 Awarding Contract to Siemens Water Technologies Corp. for Mixed Oxidant Odor Control Chemicals

Ms. Roberts reviewed the provisions of the resolution.

Council President Sikorski moved the resolution with the same amendment as the previous resolution, seconded by Councilmember Bond.

Roll Call Vote: Councilmembers Bond, McGinty, Quattrone, Schneider, Sikorski and Theokas voted yes

Resolution adopted as amended, 6-0

Resolution 2009-232

AWARDING A CONTRACT FOR MIXED OXIDANT ODOR CONTROL CHEMICALS – SIEMENS WATER TECHNOLOGIES CORP.

WHEREAS, three (3) bids were received on October 13, 2009 for Chemical Purchases for the Advanced Wastewater Treatment Plant (AWWTP) in Hightstown Borough; and

WHEREAS, the bids have been reviewed by the Borough Engineer and it is the Engineer's recommendation that a one year contract for Mixed Oxidant Odor Control Chemicals be awarded to the low bidder, Siemens Water Technologies Corp of Sarasota, Florida at a per unit price of \$12.63 per gallon for a total contract price of \$14,587.65; and

WHEREAS, the Borough Attorney has reviewed the bids and has determined that the bid submitted by Siemens Water Technologies Corp. is in order with respect to legal compliance; and

WHEREAS, the Chief Financial Officer 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 contract for Mixed Oxidant Odor Control Chemicals is hereby awarded to Siemens Water Technologies Corp. of Sarasota, Florida.

Resolution 2009-233 Awarding contract to George S. Coyne Chemical Co. inc. pending testing of Equivalent for Zeta Lyte 305 CVH Cationic Polyelectrolyte

Ms. Roberts reviewed the provisions of the resolution. She emphasized that polymer equivalents vary greatly and we must test the product before entering into a contract. This particular chemical thickens sludge, so it is important that it works properly. If it does not make the grade then we will award to the second lowest bidder. After discussion the Borough Attorney clarified that the resolution states that the award is contingent upon the successful testing of the equivalent product. Councilmember McGinty inquired as to what the down-side would be if they waited until the next Council meeting to adopt this resolution. The Attorney advised that Local Public Contracts Law allows the Council 60 days from the date of the bid opening to award the contract and affirmed the stipulations for equivalency. Mr. Raffetto stated that this resolution handles the contingency well; the only question may be whether they can challenge the determination made by Mr. Searing. The Engineer stated that the current contract has exceeded a 20% change order and that we want to award a new contract as soon as possible. Ms. Roberts informed the Council that we have done this type of resolution for the low bidders benefit because they are going to provide their chemical free for 30 days to test the equivalency; we have always handled these matters in this way in the past. Further discussion ensued.

Councilmember Schneider moved that resolution 2009-233 be held for the November 2, 2009 meeting, seconded by Councilmember McGinty.

Councilmember Bond expressed the fact that we are running the risk of not awarding the contract within 60 days as required and that it has always been done this way at the recommendation of the Engineer and Attorney, why are we changing the procedure of how it is to be done?

A Roll Call Vote was taken on the motion to postpone resolution 2009-233 until the November 2, 2009 meeting: Councilmembers, McGinty, Quattrone, Schneider, Sikorski and voted yes; Councilmembers Bond and Theokas voted no.

Motion to postpone passed, 4-2

Ordinances

Public Hearing and Final Reading: Ordinance 2009-19, An Ordinance Amending Chapter 8, "Towing," of the *Revised General Ordinances of the Borough of Hightstown*

Following a brief review by Councilmember Quattrone, Mayor Patten opened the public hearing.

Mr. Eugene Serafin – 628 S. Main St., He believes Councilmember Quattrone knows what is best.

There being no further public comments, the Mayor closed the Public Hearing.

Ordinance 2009-19 was moved for adoption by Council President Sikorski and seconded by Councilmember Quattrone.

Roll Call Vote: Councilmembers Bond, McGinty, Quattrone, Schneider, Sikorski and Theokas voted yes

Ordinance adopted, 6-0

Ordinance 2009-19

AN ORDINANCE AMENDING CHAPTER 8, "TOWING," OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN

WHEREAS, the Chief of Police has recommended that certain changes be made to the Borough's towing ordinance;

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

Section 1. Various sections of Chapter 8, "Towing," of the Revised General Ordinances of the Borough of Hightstown are hereby amended as follows:

1. Paragraph (a) of Section 8-4, "Towing Service Registration," is hereby amended as follows (deletions in ~~strikeout text~~, additions underlined):

a. No towing service shall be placed upon the towing list for the towing or storing of motor vehicles within the Borough, unless the towing service shall first register with the Borough. In order to be placed upon the towing list for light-duty towing, a towing service must be located within five (5) miles of the geographic center of the Borough of Hightstown or within the Borough of Hightstown. Registration applications shall be made available by the Borough police department. A towing service that has met all the specifications and requirements of this chapter and has registered with the Borough shall be placed on the towing list by the Chief of Police; however, the maximum number of towing services on the Borough's towing list shall be five (5) such services. Services shall be placed on the Borough's towing list on a first-come first-served basis. Vacancies shall be filled in the same manner. Each towing service must submit their schedule of basic towing and storage rates with their registration application. The rates and fees for towing and storage of motor vehicles shall not exceed the rates set by this chapter.

2. Section 8-10, "Towing Vehicle and Equipment Specifications," is hereby amended as follows (deletions in ~~strikeout text~~, additions underlined):

a. All towing services engaged in light-duty towing shall have at least one (1) rollback truck and one (1) wrecker, with necessary brooms and equipment to do the complete removal. Each truck must have a manufacturer's capacity of at least ten thousand (10,000) pounds gross vehicle weight and a manufacturer's boom capacity of four (4) tons; . Proof of capacity must be supplied to the police department at the time of registration.

b. All towing services engaged in heavy-duty towing shall have one (1) heavy-duty wrecker with a manufacturer's capacity of not less than twenty-seven thousand (27,000) pounds gross vehicle weight and a boom capacity of not less than twenty-five thousand (25,000) pounds independently or twenty-four (24) tons jointly; air brakes so constructed as to lock rear wheels; and heavy-duty underreach.

c. All towing services engaged in heavy-duty recovery shall have two (2) heavy-duty wreckers with manufacturer's capacity of not less than twenty-seven (27,000) pounds gross vehicle weight and boom capacity of not less than twenty-five thousand (25,000) pounds independently or twenty-four (24) tons jointly; two (2) power winches with pulling capacity of not less than twenty-five (25,000) pounds each; at least two hundred (200) feet of cable at least nine-sixteenths (9/16) of an inch diameter on each drum; double boom to permit splitting, or single boom hydraulically elevated and extendible with a 360 degree swivel on the end of the boom; air brakes so constructed as to lock rear wheels; heavy-duty underreach; and two (2) snatch blocks with a twenty-five thousand (25,000) pound rating and two (2) scotch blocks.

d. All towing vehicles must have radio equipment with a 24-hour dispatch service or a cellular telephone for the purpose of maintaining communications with the police department radio desk.

e. All towing vehicles must be equipped with at least one (1) five pound ABC-type fire extinguisher, safety chains, substances for application to small liquid spills, and stiff push brooms to clean up debris at the scene.

f. Proof of towing vehicle and equipment specifications shall be provided to the Borough with the registration application.

g. All towing vehicles are to conform with all applicable State and Federal laws and shall be subject to inspection by Borough officials during normal business hours at the time of registration and on an annual basis thereafter.

3. Section 8-13, "Complaints; Violations; Hearings," is hereby amended as follows (deletions in ~~strikeout text~~, additions underlined):

a. All violations of this chapter and all complaints by the public or police department against any towing service shall be forwarded to the Mayor and Borough Council.

b. The Mayor and Borough Council, in their discretion, shall determine if any complaint or violation against a towing service is of such a serious nature as to warrant a hearing and possible disciplinary measures. If the Mayor and Borough Council decide that a hearing is required, it shall upon proper notice to all interested parties, conduct a hearing in which all parties may present evidence. If, after a hearing, the Mayor and Borough Council find that a towing service has violated any provision of this chapter, it may, depending on the seriousness of the offense:

1. Fine the violating party not more than One Thousand Dollars (\$1,000.00).

2. Suspend the violating party from the towing list for not more than three (3) months for a first offense; not more than six (6) months for a second offense; not more than one (1) year for a third offense.

3. Permanently remove the violating party from the towing list for any violation after its third offense.

Section 2. If any section, paragraph, subdivision, clause or provisions of this Ordinance shall be adjusted invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause, or provision as adjudged and the remainder of this Ordinance shall be deemed valid and effective.

Section 3. All other Ordinances and provisions thereof that are inconsistent with the provisions of this Ordinance shall be and are hereby repealed to the extent of such inconsistency.

Section 4. This Ordinance shall take effect immediately upon its adoption and publication in accordance with the law.

Consent Agenda

Council President Sikorski requested that resolution 2009-234, Authorizing the payment of bills, be removed from the consent agenda for discussion.

Resolutions 2009-235 through 2009-238 were moved for adoption by Council President Sikorski and seconded by Councilmember Schneider.

Roll Call Vote: Councilmembers Bond, McGinty, Quattrone, Schneider, Sikorski and Theokas voted yes
Resolutions adopted, 6-0

Resolution 2009-235

AUTHORIZING ISSUANCE OF RAFFLE LICENSE #RL-209 TO BETTER BEGINNINGS

WHEREAS, Better Beginnings wishes to hold an off-premise merchandise raffle at Better Beginnings, 318 North Main Street, on June 9, 2010; and

WHEREAS, the group has submitted application number RL-209 for this raffle, together with the required fees; and

WHEREAS, the Borough Clerk and the Chief of Police have reviewed the application and have

determined that the requirements of N.J.S.A. 5:8-53, regarding the applicant, the members in charge of the game, and the game itself, have been met;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Borough Clerk is authorized to issue Raffle License No. RL-209 to Better Beginnings for their raffle to be held on June 9, 2010.

Resolution 2009-236

APPOINTING AN INSURANCE FUND COMMISSIONER AND AN ALTERNATE INSURANCE FUND COMMISSIONER TO SERVE ON THE MID JERSEY MUNICIPAL JOINT INSURANCE FUND

BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown, County of Mercer, State of New Jersey that the appointment of Police Chief James Eufemia as Fund Commissioner and Debra L. Sopronyi as Alternate Fund Commissioner for Hightstown Borough to serve on the Mid Jersey Municipal Joint Insurance Fund be and is hereby authorized.

Resolution 2009-237

RESOLUTION CANCELING GENERAL CAPITAL IMPROVEMENT APPROPRIATION BALANCES

WHEREAS, certain General Capital Improvement appropriation balances remain dedicated to projects now completed; and

WHEREAS, it is necessary to formally cancel said balances so that the unexpended improvement authorization balances be canceled and grant receivables may be canceled; and

NOW, THEREFORE, BE IT RESOLVED, by the council of the Borough of Hightstown, County of Mercer, that the following unexpended and dedicated balances of General Capital Appropriations be canceled:

<u>Ord. No.</u>	<u>Date Auth.</u>	<u>Project Description</u>	<u>Grant Small Cities Receivable</u>
2005-34	12/01/04 - 06/30/09	Streetscape Improvements to North Main/Bank Streets - Small Cities CDBG 2005 Grant	\$ 35,341.00

Resolution 2009-238

AUTHORIZING AN AMENDMENT TO THE AGREEMENT FOR PROFESSIONAL LEGAL SERVICES – MCLAUGHLIN, GELSON, D'APOLITO & STAUFFER, LLC

WHEREAS, Resolution 2009-33 authorized an agreement for specialized municipal legal services for 2009 pertaining to labor, personnel and union matters; and

WHEREAS, this agreement was not to exceed \$12,500.00 without further authorization from Council; and,

WHEREAS, it has been found that additional funds in the amount of \$7,842.00 will be necessary to complete the services required under the 2009 agreement; and,

WHEREAS, the Chief Financial Officer 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 agreement with Richard J. Shaklee, Esq. of the firm McLaughlin, Gelson, D'Apollito & Schaffer, LLC of Wall Township, New Jersey be amended to not exceed \$20,342.00.

Council President Sikorski expressed his concern regarding the various committees utilizing the resources of the Borough to fulfill their finance needs, at the expense of the taxpayers. He suggested that they should be required to file a report if they are going to have their funds go through the Borough, or should open their own accounts separate from the Borough.

Resolution 2009-234 was moved for adoption Councilmember Theokas, seconded by Councilmember Bond. Discussion continued.

Councilmember McGinty stated that she had requested a presentation be given at this meeting regarding the Community Fair and hopes that it can be given at the next meeting. She expressed several concerns regarding the bill paying list for the fair and would have liked to address them during the presentation; of specific concern was the fact that some of the bills have already been paid.

The Mayor requested that a roll call be taken regarding the payment of these bills.

Roll Call Vote: Councilmembers McGinty, Quattrone, Schneider, Sikorski voted no. Councilmembers Bond and Theokas voted yes.

The payment of bills was defeated 4-2.

The Mayor asked if any Councilmember would like to motion for some of the bills to be paid. Councilmember Theokas expressed his concern that there are vendors on the list who have provided goods or services to the Borough that were agreed upon, separate from the concerns expressed by others, and are expecting to get paid. It is unfair to not pay the entire bills list, Council could just pull the few bills in question.

The Mayor consulted with the Attorney on the matter and he stated that the Council could certainly take action to pay some bills by making a motion to amend the list.

There was concern about how the bills are grouped into categories on the resolution and Councilmember McGinty motioned that resolution 2009-234 be postponed until the special meeting scheduled for October 22, 2009 so proper itemization of the bills can be forwarded to Council and their questions answered, Councilmember Schneider seconded. The Mayor inquired whether the selection committee objected to this item being added to the agenda for October 22, 2009, to which they responded that they did not. The Mayor then asked what answers the Council wanted and whether they will be able to get those answers by Thursday in order to move forward with the bill paying at that meeting. It was requested that Finance give a detailed list of the Trust Fund bills and Councilmembers will contact finance with any questions they may have regarding the information, prior to the meeting on October 22, 2009.

The Mayor requested that a roll call be taken regarding the motion to postpone Resolution 2009-234.

Roll Call Vote: Councilmembers McGinty, Quattrone, Schneider, Sikorski voted yes. Councilmembers Bond and Theokas voted no. The motion passed 4-2 to postpone the payment of bills on resolution 2009-234 until October 22, 2009.

Councilmember Bond requested to be excused from the meeting, he was feeling ill. The Mayor then excused Councilmember Bond from the meeting and he left at 8:00pm.

Discussion Regarding Taxi Licensing

The Mayor explained that he placed this on the agenda just to confirm the wishes of Council prior to having the Borough Attorney amend the ordinance. You had wanted to amend the language of the ordinance to add the "owner" to the ordinance to place the responsibility on the owner. Discussion ensued and the Attorney commented that if the wording is changed it must be done throughout the ordinance and the definition must also be changed. The rationale for this change was that Council wanted to place responsibility on the company, but it must be distinguished whether you want responsibility to fall on the

driver, owner or company. It was commented that the intent was to make the company, drivers and owners accountable for the taxi. After careful review of the current ordinance and application of the Borough, the Attorney had determined that the ordinance holds the company, drivers and owners accountable for the taxi.

The next item would be the incorporation of the Zoning Officer into the application process to assure the business is being run from a properly zoned area. The Attorney confirmed that he believed Council had agreed to add the Zoning Officer into the process, at the previous meeting. Ms. Sopronyi informed the Council that resolution 2006-289 addressed this issue in the past, and she read the resolution for Council. It was agreed that the Attorney would implement the Zoning Officer's participation into the ordinance amendment.

The Attorney noted that the state statutes regarding insurance for taxis require a minimum of \$35,000 in coverage; and that a blanket bond or insurance policy in the amount of \$50,000 is acceptable if the taxi company has more than one cab. While the Borough has the authority to request coverage above the statutorily required minimum, if the cab owner has more than one cab, they can simply present the blanket policy to cover all of their vehicles regardless of what the Borough ordinance states. The present ordinance requires that the owner carry the insurance on the vehicle. He also noted that in 2006 the Borough Council revised the insurance limits to what is presently in the ordinance, which is \$50,000 per person/\$100,000 per accident and \$50,000 for property damage. After continued discussion it was decided that the limits of insurance would not be amended.

Regarding the Borough Council establishing rates within the Borough limits, the Mayor recalled that it had been decided at the previous meeting that we would let capitalism take its course. It was noted that in our ordinance there is a requirement that the cab owners post their rates in the cab. There was a suggestion that they be required to supply the Borough with a list of their rates, not just within the Borough, but to locations outside of it as well. There was concern that the rates change regularly depending upon the price of gas and etc. and this would cause extra work on the cab owners for no real purpose. The Attorney did remind Council that there is a clause in the ordinance that states taxis shall not exceed the rates as set by resolution of Council annually. He inquired as to whether they wanted to leave that in the ordinance, even though they do not typically do this. After continued discussion it was decided that Council would not establish rates and the clause should be removed.

Councilmember Quattrone stated that the Police Department would like to design a decal which will be distributed with the taxi licenses and be required to be displayed on all licensed cabs in the Borough so they can ascertain that the cab is licensed by the Borough. It was agreed that this was a good idea but it need not be made part of the ordinance, simply part of the licensing process.

The Borough Attorney confirmed that the only changes to the ordinance he has noted at this time is the addition of the Zoning Officer into the application process and the removal of Council adopting rates at the beginning of each year.

Councilmember Theokas requested that the issue of a limitation on the number of cabs be revisited in the future, as this was a suggestion from the Taxi Committee.

Councilmember McGinty suggested that a deadline be instituted for the application of licensing since the moratorium has been lifted. She distributed a draft resolution regarding the subject and motioned the following:

WHEREAS, the Borough Council of the Borough of Hightstown, by resolution orally passed on September 21, 2009, lifted the moratorium on the issuance of licenses for taxicab owners and taxicab drivers for 2009; and

WHEREAS, the Hightstown Borough Council wishes set the deadline for the submission of applications for taxicab owners' and drivers' licenses for 2009 and 2010.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Hightstown, that the deadline for submitting applications on the forms provided by the Borough Clerk for taxicab owners' licenses for 2009 and 2010 is set at November 9, 2009, and that no application for such a license for 2009 or 2010 will be accepted after that date.

BE IT FURTHER RESOLVED, by the Borough Council of the Borough of Hightstown, that the deadline for submitting applications on the forms provided by the Borough Clerk for taxicab drivers' licenses for 2009 and 2010 is set at November 9, 2009, and that no application for such a license for 2009 will be accepted after that date, and that no taxicab driver's license application for 2010

will be accepted for review from November 10, 2009 until April 1, 2010.

Councilmember Schneider seconded.

There was discussion regarding the burden on the Deputy Clerk regarding the application submittals and licensing of the taxis and the stipulation that no taxicab driver's license application for 2010 will be accepted for review from November 10, 2009 until April 1, 2010. Councilmember Theokas again reiterated that the Taxi Committee has suggested that they limit the number of vehicles to be licensed. Limiting the number of licenses issued will also making enforcing the ordinance less cumbersome.

Councilmember McGinty motioned that the resolution be amended to read "that no taxicab driver's license application for 2010 will be accepted for review from November 10, 2009 until January 2, 2010" and that the typographical error in paragraph 2 be corrected to read "to set". Councilmember Schneider seconded.

The Mayor requested that a roll call be taken regarding resolution 2009-240 as amended.

Roll Call Vote: Councilmembers McGinty, Quattrone, Schneider, Sikorski voted yes. Councilmember Theokas voted no, Councilmember Bond was absent.

Resolution adopted as amended 4-1.

Resolution 2009-240

ESTABLISHING DEADLINES FOR THE SUBMISSION OF APPLICATIONS FOR TAXICAB OWNERS' AND DRIVERS' LICENSES FOR 2009 AND 2010

WHEREAS, the Borough Council of the Borough of Hightstown, by resolution orally passed on September 21, 2009, lifted the moratorium on the issuance of licenses for taxicab owners and taxicab drivers for 2009; and

WHEREAS, the Hightstown Borough Council wishes to set the deadline for the submission of applications for taxicab owners' and drivers' licenses for 2009 and 2010.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Hightstown, that the deadline for submitting applications on the forms provided by the Borough Clerk for taxicab owners' licenses for 2009 and 2010 is set at November 9, 2009, and that no application for such a license for 2009 or 2010 will be accepted after that date.

BE IT FURTHER RESOLVED, by the Borough Council of the Borough of Hightstown, that the deadline for submitting applications on the forms provided by the Borough Clerk for taxicab drivers' licenses for 2009 and 2010 is set at November 9, 2009, and that no application for such a license for 2009 will be accepted after that date, and that no taxicab driver's license application for 2010 will be accepted for review from November 10, 2009 until January 2, 2010.

A certified copy of this Resolution shall be provided to:

- a. Each 2008 taxicab licensee (taxicab owners and drivers)
- b. William Schmeling, Zoning Officer
- c. James M. Eufemia, Chief of Police

The Mayor then opened discussion regarding the pro-rating of the taxi licensing fees for 2009. Councilmember McGinty stated that the ordinance does not provide for pro-ration, and noted that the discussion during the previous meeting did not produce an agreement to pro-rate the fee for 2009. The Mayor disagreed and offered to allow Council to review the tape from the previous meeting, to which they declined and moved forward with the discussion. Councilmember McGinty suggested a \$25.00 fee and the Mayor figured out the monthly fee and suggested that it be used to pro-rate the license fee. After discussion, it was decided that the pro-rated fee shall be based on the November 9, 2009 deadline for applications and the same fee be charged to all applicants.

Councilmember McGinty brought up a question regarding parliamentary procedure and inquired of the Borough Attorney what the powers of the Mayor are regarding participation in debate and discussion. She believes that the Mayor has no authority to participate in debate or lead discussion, he can only make suggestions. If the Mayor wishes to participate in debate, then he must relinquish his power to preside to the Council President. The Borough Attorney responded that the Mayor has the power to Chair the meeting and participate briefly. She then inquired as to what is the basis in law for the Mayor's authority; the Mayor objected to her line of questioning. The Attorney responded that the Mayor's authority is to set the agenda, make recommendations and chair the meeting. The Mayor's comments were not inappropriate since the discussion was concluding and he can participate to move the meeting along.

The Mayor then proceeded to direct the continuation of debate regarding the pro-rating of taxi licensing fees for 2009. After discussion Councilmember Schneider motioned that resolution 2009-241 to permit the pro-rating of taxi licenses for 2009. Council President Sikorski seconded. Discussion ensued and it was confirmed that the pro-rated fee will be the same of every applicant and will be pro-rated from the November 9, 2009 application deadline.

The Mayor requested that a roll call be taken regarding resolution 2009-241.

Roll Call Vote: Councilmembers McGinty, Quattrone, Schneider, Sikorski and Theokas voted yes. Councilmember Bond was absent.

Resolution adopted as amended 5-0.

Resolution 2009-241

MEMORIALIZING THE BOROUGH COUNCIL'S DECISION TO PRO-RATE FEES FOR TAXICAB OWNERS' AND DRIVERS' LICENSES FOR 2009

WHEREAS, the Borough Council of the Borough of Hightstown, by resolution orally passed on September 21, 2009, lifted the moratorium on the issuance of licenses for taxicab owners and taxicab drivers for 2009; and

WHEREAS, the Borough Council has determined that the application fees for taxicab owners' and taxicab drivers' licenses for 2009, which application fees are prescribed by Borough Ordinance, should be prorated for the remainder of the 2009 licensing year.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Hightstown, that the application fees for 2009 for taxicab owners' and taxicab drivers' licenses shall be prorated.

A certified copy of this Resolution shall be provided to:

- a. Each 2008 taxicab licensee (taxicab owners and drivers)
- b. William Schmeling, Zoning Officer
- c. James M. Eufemia, Chief of Police

The Mayor asked if there was any further discussion regarding taxi licensing and Councilmember McGinty referred to the language on noticing changes in resolution 220. She did not feel the language was necessary and the Attorney agreed. There was discussion regarding how the licensees were being notified of the licensing requirements and it was confirmed that they were being notified by mail at the last address on file with the Borough.

Public Comment II

Mayor Patten opened the floor for public comment.

Eugene Serafin – 628 S. main St., reiterated his initial comment that executive session cannot be held without a reason being given to the public. He then told Councilmember Theokas that he could not hold private conversations with taxi owners and then attempt to limit the number of taxis to benefit them.

Kathy Patten – 135 South St., wanted to point out the positives of the fair. It stopped raining around 1pm and turned out fine, guessing about 2,000 to 4,000 in attendance. They enhanced the children's pavilion, and she gave a list of the various entertainment provided. The Puppeteer, Greg Ciano, has entertained for two years in a row for no charge and the Committee decided to pay him this year since all the other entertainers were being paid. There were five big sponsors, which was great in this economy. This fair did not cost taxpayers anything. It turned out to be a beautiful day and special thanks to the Police Chief for opening up the street. With the street being opened, it allowed for over 200 stands; we had 187 vendors and some had more than one stand. There was something for everyone and a good time was had by all. Thanks to all of the volunteers.

Torry Watkins – 68 Meadow Drive, will be renewing his old habit of documenting bicycles that use sidewalks. He has found an ally in this matter from a new neighbor and thinks that this is a serious hazard and will be issuing periodic reports to the Council in the future. He encountered a bicycle on the sidewalk this evening that almost knocked him over.

Anthony Parugini - 5 Barton Dr., was disappointed in the reply the Attorney was not able to give Ms. McGinty's inquiry into parliamentary procedure.

Council Comments and Committee Reports

Mr. George Lang, Chief Financial Officer arrived at this time.

Councilmember Quattrone – None

Councilmember Schneider – None

President Council Sikorski – Advised that he attended a meeting regarding the monitoring of the Stockton Streetscape \$1.7M stimulus grant and then toured Hightstown for over an hour with the people from the State; they were quite impressed with their visit to Hightstown. Two employees from the Construction Department are now on medical leave, the Electrical Subcode Official and Fire Marshall. Mr. Chin may be submitting a request to temporarily replace the Fire Marshall.

Councilmember McGinty – Welcome to Mrs. Sopronyi, the new Clerk. There is a level of discourse being displayed in this platform that displays the behavior expected of the public; it is recommended that Robert Rules of Order be more closely followed for discussion and debate which will result in the Council meetings being more productive. There is an Environmental Commission movie "Taken Root" this Wednesday at 7pm in the library and refreshments will be served.

With regard to community events, it would be useful if balance sheets could be provided to Council after all events being held within the Borough. Liaisons should have first review of the balance sheets so they can assist the other Councilmembers in their understanding of the bills being paid. It is also requested that bills not be paid prior to the Council giving approval. She asked that the bills not be put on the Thursday evening meeting, but on November 2nd meeting; she will provide the Fair Committee with the questions that need to be answered. She would also like to discuss the use of Borough employees by the Fair, Skate Park and Animal Committee; mainly where they fall into the process.

She would also like to discuss Council minutes at a future meeting. The Council has grown accustomed to very detailed minutes, however with the recent change in staffing there may be a change to the minutes. The current process is very cumbersome and time consuming for the staff and it is only required that actions taken be correctly reflected in the minutes. The discussions should be shorter because sometimes in the translating of discussion, there can be some distortion of what the speaker actually meant.

She would like to discuss an update to the Borough Code in the future, namely signage, noise and housing enforcement. She also expressed the need for a COAH Committee to be appointed by Council.

Councilmember Theokas – The bills resolution must be heard on Thursday, we cannot hold up payments to vendors. This is a very frustrating and disappointing meeting, we are headed in the wrong direction.

Council President Sikorski – Debra Sopronyi has come to us with a lot of experience. I would like to comment about the subject for which she was attacked. In her attempt to get this agenda before the public she used discretion by indicating that there may be a subject for executive session so that should a matter arise, executive session could still be held. However, there will be no executive session tonight. Her decision was a good one and the criticism expressed is unjustified.

Debra Sopronyi – Thank you for the welcome and I look forward to working with the Council and Residents of the Borough.

George Lang – The bills list was not approved? Can we just take out those bills in question and pay the remainder? The Mayor responded that Council did not want to do that, the bills list will be re-visited on Thursday evening. Councilmembers will be in to talk to you and Arlene ahead of time so the bill paying can move forward then.

Mr. Rafetto – None

Mayor Patten – We need to follow Roberts Rules, during discussions we should respect the rest of the Councilmembers and not talk on and on. Our conduct is very important and we produce too much negativity, we need to be more conscientious of the matter.

Some volunteers of the Fair Committee have been on the committee for seven years, but no Councilmember is on it. The Committee does a great job and maybe if Councilmembers volunteer to serve they would have a better understanding of the Fair.

He reminded Councilmembers that they should not be calling the Professionals, it runs the bills up. The Mayor and Council President will take care of it. The Mayor also stated that he does not like it when Councilmembers try to get the Clerk to change the agenda and procedures, that is the Mayor's role.

We are receiving \$455,000 from NJDOT for the repairing of Leshin Lane. Thanks to Carmela Roberts, she has done a wonderful job. I believe she has assisted in bringing in over \$10M in grants to the Borough since he has been Mayor; Thank you Carmela.

Someone said that Greg Ciano was the MC at the fair, he did not MC.

Council President Sikorski motioned for adjournment, Councilmember Schneider seconded and it was unanimously approved. The meeting adjourned at 9:37pm.

Respectfully submitted,

Debra L. Sopronyi

Borough Clerk