

# Meeting Minutes

## Hightstown Borough Council

### Regular Meeting

November 2, 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 Roll call.

#### ROLL CALL

|                                | PRESENT | ABSENT         |
|--------------------------------|---------|----------------|
| Mayor Patten                   | ✓       |                |
| <i>Councilmember Bond</i>      | ✓       |                |
| <i>Councilmember McGinty</i>   | ✓       |                |
| <i>Councilmember Quattrone</i> | ✓       |                |
| <i>Councilmember Schneider</i> | ✓       | ARRIVED 7:03PM |
| <i>Councilmember Sikorski</i>  | ✓       |                |
| <i>Councilmember Theokas</i>   | ✓       |                |

Also in attendance: Debra Sopronyi, Borough Clerk; George Lang, Chief Financial Officer; Frederick Raffetto, Borough Attorney; and Carmela Roberts, Borough Engineer.

#### Approval of Agenda

Council President Sikorski motioned to accept the agenda, Councilmember Theokas seconded. Councilmember McGinty requested that the agenda be amended to move the discussion regarding the Borough Fair invoices to the beginning of the meeting under presentation and that the banners for Stockton Street be added to the agenda since she had prepared a resolution for this agenda. Council President Sikorski advised Ms. McGinty that the offer of the banners has been withdrawn and need not be put on the agenda. Ms. McGinty motioned to amend the agenda to move the fair discussion to the beginning of the meeting under presentation and add the banner discussion under discussion on the agenda, Councilmember Schneider seconded, all approved.

#### Approval of Minutes:

Council President Sikorski motioned to accept the minutes of the September 21, 2009 open session meeting, Councilmember Schneider seconded, all approved.

#### Presentation:

Kathy Patten, Borough Fair Chairperson, introduced the Fair Committee. Mrs. Patten, in conjunction with Greg Ciano, Co-Chair for the event, gave a detailed report on the Borough Fair which was followed by a lengthy question and answer period. Councilmember McGinty expressed concern regarding the lack of advertising for the Fair Committee meetings and advertising for additional volunteers. The Mayor thanked the Chair and Co-Chair for the report and taking the time to answer the Borough Council's questions. There was also discussion regarding the unpaid bills from the fair and the process followed to pay them. Councilmember McGinty felt that there was a conflict of interest with Mrs. Patten, wife of the Mayor, serving as the Chairperson for this event and her husband signing the checks for the payments. The Borough Attorney advised that there was no conflict of interest in this matter. The subject of trust accounts in the Borough was also discussed. Councilmember Schneider motioned to end the discussion and Councilmember Quattrone seconded. A roll call vote for ending the discussion was called by the Mayor.

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

The Discussion on the Fair and Trust accounts was closed, 6-0.

### **Public Comment I**

Mayor Patten opened the floor for public comment.

**Phyllis Deal** – 305 Stockton St., commented that she was one of the first Fair Committee individuals who worked to get vendors; the fair is a fantastic opportunity to publicize Hightstown Borough and she would hate to see it go by the wayside. Regarding the banners on Stockton Street, she was present at the meeting when Mr. Buriak made his offer of the banners. She lives in the Historic District and nobody ever questioned the homeowners who live there whether they want the banners; anyone can donate things to the town, but whether they are wanted or not is more the issue. She felt the residents should have been polled.

**Steve Kerson** – 16 Fryer Ct., It is obvious that the expenses for the fair are fair; but it is unfair that Council members get beat up for having questions and doing their job. Election is tomorrow and Councilmembers should really look at why they want to run and take the abuse. He thanked Ms. McGinty for doing her job. Perhaps we should be reviewing internal controls and he would like to see more humanity coming from Council going forward.

**Tory Watkins** - 68 Meadow Drive, announced that Jay Newman, former Councilmember and brilliant scientist for RCA, as well as an attorney with his own firm, passed away and will be sadly missed. He congratulated Lisa Musing, wife of Dimitri Musing, on acquiring her citizenship. Since he spoke at the last meeting, he counted six bicycles on the sidewalks in town.

**Eugene Serafin** – 628 S. Main St., addressed Kathy Patten, Fair Committee Chair, and he stated that he felt the sarcasm during the questions and answers was uncalled for. He asked the Fair Committee why the Republicans were located in the middle of town and the Democrats were way in the back by the library; the process for assigning the spots should be fair. It is obvious from this discussion that we have trouble with trust funds, maybe the Council should appoint a Committee to approve the payments from these accounts because it is too burdensome on Hightstown Borough Staff.

**Greg Ciano** – 103 Oak Lane, stated that this is not a Democrat/Republican issue, he voted for McGinty. I felt that this discussion was about a conflict of interest and several checks. He felt that Attorney Raffetto answered the questions and determined that there was no conflict of interest. He believes the discussion on the fair and trust funds went on for two hours because Councilmember McGinty felt that she needed to find something wrong with the fair.

**Caito Lusano** – 31 German St. Jamesburg, NJ, is here to represent Mega Taxi. On Saturday, October 31<sup>st</sup>, she met with Mayor Patten regarding the \$100,000 insurance requirement for taxis. For four years this was a law, but for all this time they were allowed to use a \$35,000 policy that they had. They sent their application to Hightstown and got rejected because they did not have the \$100,000 policy. They can barely pay the \$35,000 policy and they only charge \$5.00 from Hightstown to Twin Rivers. If they are required to get the \$100,000 policy they will have to charge \$10.00 and this would only give the gypsy cabs more business. They have reported the gypsy cabs who have no insurance at all; the police do not ticket them because they cannot prove they are doing business in Hightstown.

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

### **Engineer's Items:**

**Resolution 2009-243**, Authorizing Change Order No. 1 for B & B Construction – Peddie Lake Dam Project

Carmella Roberts explained that the change order for Resolution 2009-243 is due to a request for an additional outlet to be installed for Borough use at public events.

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

**Resolution 2009-243** was moved by Council President Sikorski and seconded by Councilmember Quattrone. Discussion followed.

Councilmember Quattrone commented that he agrees with Public Works and this presented a good opportunity for the Borough to get electricity supplied for events and recommended that the resolution be adopted.

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

### **Resolution 2009-243**

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

#### **AUTHORIZING CHANGE ORDER NO. 1 – B & B CONSTRUCTION, CO., LLC (PEDDIE LAKE DAM IMPROVEMENTS)**

**WHEREAS**, on August 3, 2009, the Borough Council awarded a contract for Peddie Lake Dam improvements to B & B Construction Co., LLC of Howell, New Jersey in the amount of One Hundred Forty-Three Thousand Dollars (\$143,000.00); and

**WHEREAS**, the contractor has submitted Change Order No. 1 for a supplemental in the total amount of \$853.53 due to the Borough's request for additional circuit breakers to be installed for use at Community Events, bringing the total contract amount to \$143,853.53; and

**WHEREAS**, the contractor has also requested an extension on the deadline for completion of the project due to the time necessary to approve and fabricate the electrical and control components for automation of the flood gate; and,

**WHEREAS** the Borough Engineer has recommended approval of this change order and a project completion deadline extension to December 20, 2009;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that Change Order No. 1 from B & B Construction Co., LLC of Howell, New Jersey in the amount of \$853.53, and the deadline for completion of the project be extended to December 20, 2009 as detailed herein are hereby approved.

**BE IT FURTHER RESOLVED**, that a certified copy of this resolution be forwarded to B & B Construction, Borough Engineer, contract file and Borough Treasurer.

#### **Ordinances:**

**Introduction and First Reading: Ordinance 2009-23** An Ordinance requiring the retrofitting of existing storm drain inlets.

The Borough Engineer gave a brief summary of the ordinance and explained that this ordinance is required by DEP.

Councilmember Quattrone moved for introduction of Ordinance 2009-23, Councilmember Schneider seconded.

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

The final reading and public hearing will be held on November 16, 2009.

### **Ordinance 2009-23**

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

#### **RETROFITTING OF EXISTING STORM DRAIN INLETS**

**WHEREAS**, the New Jersey Department of Environmental Protection requires that each Municipality within the state require the retrofitting of existing storm drain inlets that are in direct contact with construction of any kind to prevent the discharge of solids and floatables into the storm sewer system to protect the environment and natural waterways, and;

**WHEAREAS**, The Borough Council of Hightstown Borough finds it in the best interest of the community to implement the required ordinance.

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

#### Section 1: Purpose

This ordinance requires the retrofitting of existing storm drain inlets which are in direct contact with repaving, repairing, reconstruction, or resurfacing or alterations of facilities on private property, to prevent the discharge of solids and floatables (such as plastic bottles, cans, food wrappers and other litter) to the municipal separate storm sewer system(s) operated by the Borough of Hightstown so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

#### Section 2: Definitions

For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- a. Municipal separate storm sewer system (MS4)– a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by Borough of Hightstown or other public body, and is designed and used for collecting and conveying stormwater. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- b. Storm drain inlet- an opening in a storm drain used to collect stormwater runoff and includes, but is not limited to, a grate inlet, curb-opening inlet, slotted inlet, and combination inlet.
- c. Waters of the State – means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

#### Section 3: Applicability

1. No person in control of private property (except a residential lot with one single family house) shall authorize the repaving, repairing (excluding the repair of individual potholes), resurfacing (including top coating or chip sealing with asphalt emulsion or a thin base of hot bitumen), reconstructing or altering any surface that is in direct contact with an existing storm drain inlet on that property unless the storm drain inlet either:

- a. Already meets the design standard below to control passage of solid and floatable materials; or*
- b. Is retrofitted or replaced to meet the standard in Section V below prior to the completion of the project.*

2. Storm drain inlets identified above shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see Section 4 below.

- a. Design engineers shall use either of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:

- i. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines (April 1996); or
- ii. A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension.

Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater basin floors.

- b. Whenever design engineers use a curb-opening inlet, the clear space in that curb opening (or each individual clear space, if the curb opening has two or more clear spaces) shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.

#### Section 4: Exemptions

This standard does not apply:

1. Where the municipal engineer agrees that this standard would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets that meet these standards;
  - a. Where flows are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:
    - i. A rectangular space four and five-eighths inches long and one and one-half inches wide (this option does not apply for outfall netting facilities); or
    - ii. A bar screen having a bar spacing of 0.5 inches.
  - b. Where flows are conveyed through a trash rack that has parallel bars with one-inch (1") spacing between the bars; or
  - c. Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

#### Section 5: Enforcement and Penalties

1. This ordinance shall be enforced by the Construction Official of the Borough of Hightstown.
2. Any person who is found to be in violation of this ordinance shall be subject to penalties as stated in Chapter 1, Section 5 of the *Revised General Ordinances of the Borough of Hightstown* for each storm drain inlet that is not retrofitted to meet the design standard.

#### General Provisions

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an

independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

This ordinance shall be incorporated into Chapter 25 "Stormwater Control" of the *Revised General Ordinances of the Borough of Hightstown*.

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

**Introduction and First Reading: Ordinance 2009-24** An ordinance regarding dumpsters and other refuse containers.

The Borough Engineer gave a brief summary of the ordinance and explained that this ordinance is required by DEP. She expressed some concerns regarding the verbiage in this ordinance.

Councilmember Quattrone moved to postpone the introduction of Ordinance 2009-24 until the November 16, 2009 meeting so the verbiage in the ordinance could be reviewed and revised if needed, Councilmember Schneider seconded.

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

Ordinance Postponed, 5-1

The introduction and first reading of ordinance 2009-24 will be held on November 16, 2009.

**Introduction and First Reading: Ordinance 2009-25** An ordinance establishing the titles which shall be covered by the Defined Contribution Retirement Plan (DCRP)

The Borough Attorney gave a brief description of the ordinance and explained that it is required by the State of New Jersey.

Council President Sikorski moved for introduction of ordinance 2009-25, Councilmember Quattrone seconded.

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

Ordinance Introduced, 6-0

The final reading and public hearing will be held on November 16, 2009.

## **Ordinance 2009-25**

*BOROUGH OF HIGHTSTOWN*

*COUNTY OF MERCER*

*STATE OF NEW JERSEY*

### **AN ORDINANCE ESTABLISHING THE TITLES WHICH SHALL BE COVERED BY THE DEFINED CONTRIBUTION RETIREMENT PLAN (DCRP)**

**WHEREAS**, the State Legislature has adopted Chapter 92 of the Laws of 2007 (N.J.S. 43:15C-1 et seq.) to create the Defined Contribution Retirement Program to provide retirement benefits to various county and municipal officials; and,

**WHEREAS**, N.J.S. 43:15C-2 requires the governing body of each county, municipality, and other local entity to adopt, as appropriate, either a resolution or ordinance to determine the positions that are substantially similar in nature to the advice and consent of the Senate for appointments by the Governor of the State, pursuant to guidelines or policy that shall be established by the Local Finance Board in the Department of Community Affairs, and for which officials appointed to such positions shall be eligible for and shall participate in the Defined Contribution Retirement Program, subject to the provisions of law; and,

**WHEREAS**, the Borough Council of Hightstown Borough has considered the guidelines issues by the Local Finance Board;

**THEREFORE, BE IT ORDAINED** by the Hightstown Borough Council that:

1. Pursuant to N.J.S. 43:15C-2, the following positions are deemed to be eligible for and shall participate in the Defined Contribution Retirement Program:
  - a. *Business Administrator;*
  - b. *Municipal Court Judge;*
  - c. *Municipal Prosecutor;*
2. Individuals serving in the following positions are exempt from Defined Contribution Retirement Program membership, pursuant to N.J.S. 43:15C-2:
  - a. *Certified Health Officer;*
  - b. *Tax Collector;*
  - c. *Chief Financial Officer;*
  - d. *Construction Code Official;*
  - e. *Qualified Purchasing Agent;*
  - f. *Tax Assessor;*
  - g. *Municipal Planner;*
  - h. *Registered Municipal Clerk;*
  - i. *Licensed Uniform Subcode Inspector;*
  - j. *Principal Public Works Manager.*
3. This ordinance shall be implemented, construed and subject to the aforesaid Chapter 92 of the Laws of 2007 (N.J.S. 43:15C-1 et seq.) as amended from time to time, and any regulations or guidance documents from the Local Finance Board or the Division of Pensions and Benefits.
4. This ordinance shall be incorporated into Chapter 2, Administration, of the *Revised General Ordinances of the Borough of Hightstown*.
5. Should any part or parts of this ordinance be held to be invalid by any competent court of law, such invalidity shall only affect the part or parts held to be invalid, and all other parts shall remain in effect.
6. A copy of this ordinance shall be filed with the Director of the Division of Pensions & Benefits of the New Jersey Department of the Treasury.

Section 2. This Ordinance shall take effect upon final passage and publication in accordance with the law.

**Introduction and First Reading: Ordinance 2009-26** An Ordinance Amending Section 4-21, entitled "Taxicab Licensing," of Chapter 4, "General Licensing," of the *Revised General Ordinances of the Borough of Hightstown*

The Borough Attorney gave a brief summary of the changes that this ordinance will implement. He advised that it implements the Zoning Officer's review of the applications and removes Council's authority to set the rates each year.

After discussion regarding the Borough setting fares, it was decided that the ordinance revisions would be introduced as written. Councilmember Theokas expressed his dismay that a limitation on the number of licenses issued in the Borough is not addressed in the ordinance.

Council President Sikorski moved for introduction of ordinance 2009-26, Councilmember Quattrone seconded.

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

Ordinance Introduced, 5-1

The final reading and public hearing on ordinance 2009-26 will be held on November 16, 2009.

**Ordinance 2009-26**

**AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 4-21, ENTITLED "TAXICAB LICENSING," OF CHAPTER 4, "GENERAL LICENSING," OF THE "REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN, NEW JERSEY."**

**WHEREAS**, the Hightstown Borough Council has determined that it is appropriate to amend the current regulations governing taxicab licensing within the Borough in certain respects.

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

1. That Section 4-21, entitled "Taxicab Licensing," of Chapter 4, "General Licensing," of the "Revised General Ordinances of the Borough of Hightstown, New Jersey," is hereby amended and supplemented at Subsection 4-21.4 thereof, "Licensing of Taxicab Drivers," paragraph "b," in the following specific respects (additions are shown with underline and deletions are shown with ~~strikeout~~):

**4-21.4 Licensing of Taxicab Owners.**

b. Investigation; Hearing before Council. The Chief of Police or a Police Officer designated by him shall investigate the application. A copy of the application shall also be provided to the Zoning Officer for review and for a determination that the proposed location of the taxi operation does not violate applicable zoning regulations. A report containing the results of the Police investigation and evaluation, a recommendation by the Chief of Police that the license be granted or denied and the reasons for his recommendation shall be forwarded to the Council. A report regarding the Zoning Officer's findings shall also be provided to the Council. The Borough Clerk shall ensure that ~~a copy~~ copies of the these reports is are also made available to the applicant. In those cases where the Chief of Police or his designee, or the Zoning Officer, has recommended against issuing the license, the applicant shall be afforded the opportunity for a hearing before the Borough Council. Any request for a hearing must be made within ten (10) days of the applicant's receipt of the ~~Police Chief's~~ applicable report. At the hearing, the applicant shall have the right to be represented by counsel and will be afforded the opportunity to testify himself or to present witnesses in support of his position, to cross-examine opposing witnesses and, at his own expense, to have a stenographic record made of the proceedings. At the conclusion of the hearing, the Council will determine whether to grant or deny the license.

2. That Section 4-21, entitled "Taxicab Licensing," of Chapter 4, "General Licensing," of the "Revised General Ordinances of the Borough of Hightstown, New Jersey," is hereby amended and supplemented at Subsection 4-21.9 thereof, "Fares," paragraph "a," in the following specific respects (additions are shown with underline and deletions are shown with ~~strikeout~~):

**4-21.9 Fares.**

a. Rates of Fare. ~~The fare that may be charged by the driver or owner of a taxicab for a trip wholly within the limits of the Borough shall not exceed the rates approved annually by the Council by resolution.~~ Fares shall be conspicuously displayed in each taxicab.

3. That 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.



4. That 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.

5. That this Ordinance shall take effect immediately upon its adoption and publication in accordance with the law.

#### **Consent Agenda**

Councilmember Bond requested that resolution 2009-244, authorizing the payment of bills be pulled from the consent agenda.

Council President Sikorski explained that resolution 2009-247 appoints a substitute fire inspector to step in when the present inspector is not available, and that resolution 2009-248 appoints Anely Gomez as a Housing Inspector so that she can assist Mr. Chin with translation when needed on housing inspections.

Councilmember McGinty requested that resolution 246 be pulled from the consent agenda.

Council President Sikorski moved to approve the amended consent agenda, which includes resolutions 2009-245, 2009-247 and 2009-248, and Councilmember Schneider seconded.

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

Resolutions adopted 6-0.

#### **Resolution 2009-245**

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

#### **AUTHORIZING AN AMENDMENT TO THE AGREEMENT FOR PROFESSIONAL SERVICES – TAMARA LEE CONSULTING, LLC**

**WHEREAS**, Resolution 2009-228 authorized an agreement for professional services relating to existing litigation in which the Borough is a party; and

**WHEREAS**, this agreement established an hourly rate of \$105.00; and,

**WHEREAS**, it has been found that funds in an amount not to exceed \$1,500.00 will be necessary to complete the services required during the remainder of year 2009; 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 Tamara Lee Consulting, LLC be amended to not exceed \$1,500.00 for services rendered during the year 2009.

#### **Resolution 2009-247**

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

#### **APPOINTING A FIRE INSPECTOR**

**WHEREAS**, There is a need to hire a Fire Inspector to fill in for and cover absences of the full-time Fire Marshall; and,

**WHEREAS**, Mr. George Chin, Construction Official, has requested that Salvatore DiStasio be appointed a Fire Inspector for the Borough of Hightstown at a rate of \$30.00 per hour effective October 14, 2009; and

**WHEREAS**, Salvatore DiStasio holds Fire Inspector Certificate #107110; and,

**WHEREAS**, the Borough Council finds it in the best interest of the health, safety and welfare of the residents to hire Salvatore DiStasio.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the designation of Salvatore DiStasio is hereby ratified and confirmed as Fire Inspector at a salary of \$30.00 per hour effective October 14, 2009.

**BE IT FURTHER RESOLVED**, that a certified copy of this resolution shall be forwarded to the Construction Official, New Jersey State Department of Community Affairs, Personnel File and Finance.

#### **Resolution 2009-248**

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

#### **APPOINTING A HOUSING INSPECTOR**

**WHEREAS**, There is a need to hire a Housing Inspector to assist with property maintenance issues; and,

**WHEREAS**, Mr. George Chin, Construction Official, has requested that Annely Gomez be appointed a Housing Inspector for the Borough of Hightstown; and

**WHEREAS**, Annely Gomez is already employed by Hightstown Borough and would not receive additional compensation for this position; and,

**WHEREAS**, the Borough Council finds it in the best interest of the health, safety and welfare of the residents to appoint Annely Gomez as Housing Inspector.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the designation of Annely Gomez is hereby ratified and confirmed as Housing Inspector to assist with property maintenance issues, without additional compensation.

**BE IT FURTHER RESOLVED**, that a certified copy of this resolution shall be forwarded to the Construction Official, Annely Gomez, Personnel File and Finance.

#### **Resolution 2009-244 Authorizing the Payment of Bills**

Councilmember Bond expressed his concern over the amount of the billings from Greiner & Archer, the Planning Board Attorney; there are two bills totaling \$972.00. He believes that this firm has charged the COAH account close to \$10,000 over the last two years and these bills refer to advise to the Zoning Officer. Mr. Bond inquired why we are being charged for advise to the Zoning Officer, when the Zoning Officer should be able to read the Borough Code and be able to make a determination. Who is authorizing the Zoning Officer to call the Planning Board Attorney for advise? There is also billing to the COAH Trust Account for advise. The Chairman of the Planning Board has stated that he has nothing to do with the payment of the bills and Councilmember Bond thinks there are questions that should be answered before these invoices get paid. Councilmember McGinty stressed that the Borough needs a COAH Committee to look into these and other COAH matters.

Council President Sikorski moved to approve the payment of bills in resolution 2009-244 excluding the two invoices for Greiner & Archer, totaling \$972.00, and Councilmember Schneider seconded.

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

Resolution adopted, as amended 6-0.

#### **Resolution 2009-244**

*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 and the Treasurer in the amount of **\$1,279,194.77** from the following accounts:

|                    |                               |
|--------------------|-------------------------------|
| Current            | \$ 883,336.35                 |
| W/S Operating      | 51,424.08                     |
| General Capital    | 230,033.05                    |
| W/S Capital        | 79,532.07                     |
| Trust              | 8,233.87                      |
| Unemployment Trust | 10,984.35                     |
| Housing Trust      | <u>15,652.00</u>              |
| <b>Total</b>       | <b>\$ <u>1,279,195.77</u></b> |

**Resolution 2009-246     Authorizing Refunds to be Issued to Specific Harvest Fair Vendors**

Councilmember McGinty reviewed the resolution and was concerned that the Council was not involved in the bills for the Borough Fair, and she is hoping, that given the previous discussion, this will not be the case in the future. With that said, she is in favor of adopting this resolution.

Councilmember McGinty moved to approve resolution 2009-246, and Council President Sikorski seconded.

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

Resolution adopted, 6-0.

**Resolution 2009-246**

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

**AUTHORIZING REFUNDS TO BE ISSUED TO SPECIFIC FAIR VENDORS**

**WHEREAS**, The Borough of Hightstown Fair Committee solicited sponsors of the event through the rental of space for tables; and

**WHEREAS**, the following vendors paid \$30.00 for their tables but are due a refund because of circumstances of being a duplicate vendor or cancelling the reservation; and,

| <u>Business</u> | <u>Address</u>                             | <u>Reason</u> |
|-----------------|--|---------------|
| JoAnne Bini     | 547 Dutch Neck Rd., E. Windsor, New Jersey | Cancelled     |
| Janice Gervasi  | 1 Faxon Dr., Robbinsville, New Jersey      | Duplicate     |
| Kara Niebo      | 115 South St., Hightstown, New Jersey      | Duplicate     |
| Maria Salesi    | 53 Oxford Dr., E. Windsor, New Jersey      | Duplicate     |

**WHEREAS**, the funds for these refunds are available in account T-12-56-286-000-836, known as the Borough Fair Account, and the Treasurer has so certified in writing.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the Treasurer is hereby authorized to issue refunds in the amount of \$30.00 each to the vendors stated

above, representing their Borough Fair Vendor refund for the reasons as set forth herein, for a total of \$120.00 in refunds being issued.

**BE IT FURTHER RESOLVED** that a certified copy of this resolution be forwarded to the Treasurer.

### **Discussion**

The Mayor informed Council that we are not yet prepared to move on resolution 2009-233 as the testing of the equivalent chemical is not complete.

Councilmember McGinty began the discussion regarding Mr. Buriak's offer to donate banners for the historic district by reviewing the history of the project. She explained that Mr. Buriak has rescinded his offer because his approval was not placed on this agenda, along with the resolution she had written. During a lengthy discussion the concerns brought forward included the lack of polling the residents as to whether they want the banners, the design and who approved it, the Planning Board and Historic Preservation Committee comments, and the process for which these types of donations should be handled.

### **Public Comments II**

**Phyllis Deal** – 305 Stockton Street, Thank you to the Police Department for addressing issues on her street during Halloween. She also distributed the Animal Welfare Committee brochure to the Mayor and Borough Council so they know what this committee does and that it saves money for Hightstown Borough.

**Eugene Serafin** – 628 S. Main St., stated that he spoke to Taxi Drivers in the audience and they stated that if they were to get the \$100,000 insurance coverage the cost would be \$30 per day. Only one company in New Jersey writes the insurance, how can they pay a claim? The Taxi Commission has done nothing, they did not even ask the Taxi Drivers anything. We have a need for taxis in Hightstown and you are getting rid of them all.

**Juan Mendieta** – 132 Franklin St., requested a hearing to discuss the taxi insurance requirement. The Mayor responded that they were welcome to come and give a presentation at the November 16, 2009 meeting. Mr. Mendieta then thanked the Mayor.

**Alec Flores** – 132 Franklin St., he represents Super Taxi and sees no reason to raise the coverage from \$35,000 to \$100,000, unless the Borough has received complaints about accidents. He does not feel they should limit the number of taxis because they are doing the business, if people did not need taxis they would not be doing business. Also, the Police need to protect the licensed taxi drivers because there are taxis out there who are not licensed and taking the business away from the licensed taxi drivers. He thinks there should be a meeting of all the taxi companies, the Borough Officials and the police.

There being no further comments, the Mayor closed Public Comment Period II

### **Council Comments**

**Councilmember Quattrone** – It was an exceptional Halloween, thanks to all who participated in town. Remember to vote tomorrow.

**Councilmember Schneider** – no comments

**Council President Sikorski** – He found it necessary to bring up the subject of nepotism. He arrived at Borough Hall this morning to find that Annie Blake had been hired as the Sewer/Water/Tax Clerk. While he understands that they had an emergency in placing someone in this position, he believes it is bad policy for the Mayor to hire someone who is related to an employee without the advise and consent of Council.

**Councilmember Bond** – He is not happy with the Fair Committee being called out on the carpet by Ms. McGinty. He feels that it could have been handled properly by meeting with the Chairperson to discuss the concerns. It took two hours and was handled like an inquisition. We have many committees made up of many volunteers who get things done. They hold meetings and do not publicize them because they do not have to. He believes that this process has set volunteerism back in the Borough; He is very upset by the entire thing. We did not raise the taxi insurance, it was already in the ordinance.

**Councilmember McGinty** – We have great volunteers but you would get more if it was advertised, and the Council has oversight responsibility. It was difficult to get a presentation by the Fair Committee and the minutes of meetings from the various committees are not on the website and they should be. She had checked with the Clerk's office and found that hardly any taxi applications have been received; the deadline is November 9<sup>th</sup>. The insurance rates are in the ordinance, and have not been changed. In regards to COAH, she was charged to address one question and she met with the professionals and the Planning Board and returned to Council with a report. There is nobody dealing with COAH, we need a COAH Committee. There is a request from Downtown Hightstown to close a road on December 17<sup>th</sup> from 6-9pm for Santa. Given the number of trust accounts in the Borough, we may benefit if we had a committee to administer these accounts, they are a big strain on the Borough Staff. Halloween was very nice, the Stockton Street residents and Police did a nice job.

**Councilmember Theokas** – The EDC met and several members also attended the forum held last week regarding the turnpike extension to stay updated on the project. Regarding the COAH issue raised by Councilmember McGinty, the EDC may be interested in taking on the COAH Committee responsibility. Downtown Hightstown is a 501(3)C organization and may be interested in being the house for some of the Borough events, thus taking the responsibility of the trust accounts out of the hands of finance and eliminating the additional burden they cause the staff. Although these ideas have been floated past these groups and was well received, he is not making any commitments for them but it may be an option for Council as they move forward with these discussions. He thanked Gene for bringing up the matter of the location of the booths at the fair. The issue of trust accounts and financial disclosure is an important one and a worthy discussion of Borough Council; what we saw today under the cloak of that fact, but was a blatantly partisan act...trying to prove wrongdoing or malice should not have occurred. There is no place for this on the dais. To look at trust accounts is one thing, but singling out individuals or groups because of political disagreements is wrong and that is what went on here today. We spent a lot of time on this and that time could have been well spent on more important issues.

**Debra Sopronyi, Borough Clerk** - none

**Chief Eufemia** – He received a request from Downtown Hightstown regarding the second annual window decorating contest and they will provide music and food on Dec. 17<sup>th</sup>. Due to last year's heavy participation and the spill-over of pedestrians at the point we will be closing Main Street from Ward Street to the point from 6pm to 9pm for the safety of the participants; as a safety matter, it makes sense. Attached to the police activity report is a letter from one of our residents commending two officers, Lt. Reppy and Sgt. Runge regarding a first aid call; it was a call where a lot of time was needed and I am glad they were available to assist the resident until they were taken to the hospital. The Police Department will be participating in the first Medicine Disposal Day in the nation. This will permit people to clean out their medicine chests and bring all their old medications to the police department for proper disposal. It is a great idea to assist in keeping medications and narcotics out of the hands of those who should not be taking them.

**George Lang, Chief Financial Officer** – none

**Borough Attorney Raffetto** – none

**Mayor Bob Patten** – He has been serving the Borough for many years, both as Mayor and on the Planning Board. There are too many people, including at the dais, who are looking at all the negatives. It appears that the Council wants him to form all of the committees; our code states that the Council can form committees, but nobody takes the initiative and he is disappointed in them. Get with the program, the glass is half full, not half empty. Our public speaking skills must also improve, there is too much redundancy and repetition. We need to do better with our time at each meeting, we owe it to the public and our professionals that we do not drag it out. We also need to respect each other. The taxi ordinance that sets the limits for insurance states Bodily Injury limits of \$50,000 per person, \$100,000 per accident and \$50,000 property damage and has been in place for some time but we have not required it; we accepted the \$35,000 combined limit that the taxis were giving us, but now we will be enforcing the ordinance. Hightstown is a great town and I would like to see more positive information and comments in the paper and etc.

The Mayor called for the Clerk to read the resolution going into executive session. He advised the public that action may be taken following the executive session. The Borough Attorney commented that there will be no need for discussion in executive session regarding the Greystone litigation. He had requested it to be put on the agenda, but the opinion he expected was not received, so that matter can be eliminated.

The Borough Clerk read the resolution.

**Resolution 2009-249** Councilmember Theokas motioned to adopt resolution 2009-249 to go into Executive Session, Council President Sikorski seconded.

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

Resolution adopted, 6-0

### **Resolution 2009-249**

*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 November 2, 2009 at approximately 8:00 p.m. at Borough Hall 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:

**Personnel** - Reorganization of Borough Staff

**Litigation** - (Greystone Capital Partners, LLC)

Stated as precisely as presently possible the following is the time when and the circumstances under which the discussion conducted at said meeting can be disclosed to the public: February 2, 2010, 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.

After reconvening in public session Council President Sikorski moved to approve resolution 2009-250 and Councilmember Schneider seconded.

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

Resolutions adopted 6-0.

### **Resolution 2009-250**

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

### **APPOINTING A BUSINESS ADMINISTRATOR**

**WHEREAS**, Section 2-9.3 of the *Revised General Ordinances of the Borough of Hightstown*, provides that "The Administrator shall be appointed by the Mayor with the advice and consent of the Council and shall serve at the pleasure of the Mayor and Council; and,

**WHEREAS**, it is the desire of the Mayor to appoint, Herbert C. Massa, of Freehold, New Jersey to serve as Business Administrator for a period of one year at a salary of \$ 48.08 per hour at 20 hours per week; and

**WHEREAS**, specific terms and conditions of employment have been set forth in a written agreement and said terms of agreement are hereby approved by the Mayor and Council; and,

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the Mayor's designation of Herbert C. Massa, of Freehold, New Jersey is hereby ratified and confirmed as Business Administrator for a term of one year at a salary of \$48.08 per hour at 20 hours per week subject to the specific terms as put forth in the memorandum of agreement.

**BE IT FURTHER RESOLVED**, that a certified copy of this resolution shall be forwarded to Mr. Massa, Personnel File and Finance.

At approximately 11:57 p.m., a Motion was made by Council President Sikorski, and seconded by Councilman Quattrone, to adjourn the meeting. That Motion was approved unanimously.

Respectfully Submitted,

Debra L. Sopronyi

Borough Clerk