

Meeting Minutes
Hightstown Borough Council
Regular Meeting
December 7, 2009 7:00 p.m.

The meeting was called to order by Mayor Robert Patten at 7:45 pm with an explanation that Council was in a special executive session prior to this meeting, 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 a moment of silence in honor of those who lost their lives at Pearl Harbor.

The Mayor requested Roll call.

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; Herbert Massa, Borough Administrator, James Eufemia, Chief of Police; and Frederick Raffetto, Borough Attorney.

Approval of Agenda

Council President Sikorski moved to accept the agenda, Councilmember Bond seconded. Councilmember McGinty requested that the agenda be amended to include items that were omitted when the last Council meeting ended abruptly; proposed ordinances and trust account issues as well as the resolution submitted by the Environmental Commission recognizing the Public Works Department. The Mayor informed Ms. McGinty that he had decided that the resolution will be on the next agenda and that the proposed ordinances are on the agenda under discussion. The Mayor called for a vote to accept the agenda as moved, Councilmember McGinty opposed, the remainder of the Council approved.

The agenda was moved as presented, 5-1

Presentation:

The Mayor held the presentation until after Public Comment because the proclamation had to be retrieved from his vehicle.

Public Comment I

Mayor Patten opened the floor for public comment.

Rob Thibault– 504 S. Main St., commented that the "Beat Goes On" report issued by the NJ Division of Investigation regarding waste and abuse of local employee public benefits highlighted some union contracts and benefit abuse and he wondered if they investigated Hightstown Borough's three contracts, which are due for negotiations at the end of this month, what would they find? They include twelve sick days a year and selling back sick days, which is unheard of in the private sector; prescription reimbursements and paying only \$24.00 per month toward health benefits, when most people in the private sector pay about \$280 per month for health benefits and even state workers pay 1.5% of their salary for health benefits. The employee's ability to accumulate and sell back their unused sick time up to \$10,000 has cost the Borough to have a liability of \$450,000 for unused and unpaid sick time. As you negotiate the contracts, think about the taxpayers. His taxes have doubled in the last ten years and a lot of it is due to these egregious abuses of benefits by the Borough employees. He is looking forward to seeing what Council does regarding this issue and he will be taking a closer look at the contracts as well.

Phyllis Deal – 305 Stockton Street, the Animal Welfare Committee traps and neuters cats, then releases them. This is all a benefit to the community and it is well organized. There are some residents who are trapping cats without the Animal Welfare Committee's guidance and they should not be permitted to do so; this is the responsibility of the Animal Welfare Committee and the Police Department.

Tory Watkins - 68 Meadow Drive, suggested that resolution 2009-271 be pulled from the consent agenda to be discussed; and resolution 2009-278 authorizing the Clerk to sign a title over to the Fire Department also be pulled for discussion. He felt that lost in the fine print of the resolution is the acquisition of a rescue truck. He had no prior knowledge of a rescue truck being purchased; but if it is the truck he saw doing a demo at the firehouse, it is too big for Hightstown. He has counted seventeen bikes on the sidewalks.

Dimitri Musing – 137 Stockton Street, commended Councilmember McGinty for insisting on cleaning up the skate park resolution and agreement; he believes it is best to sever the ties to the Borough. He agrees with Tory Watkins regarding the truck and regarding resolution 2009-275, where did that truck come from?

Elizabeth Balcewicz – 413 Stockton Street, Ms. McGinty has brought up the subject of houses that are illegally converted to apartments or boarding houses, and the numerous children which are using the school system. Most of her taxes go to the school district and the Mayor and Council have stated several times that the biggest expense for the taxpayer is the schools. Something needs to be done; in the past you have gone door-to-door to canvass for dogs and illegal sump pumps, you need to go door-to-door and canvass for boarding houses. She has lived here for 35 years, and for 35 years she has paid taxes; and she expects everyone to pay their fair share. She walks her dogs around town and is consistently annoyed by bikers on the sidewalks. After dark there are always bikers with no reflectors or lights and she has come close to hitting them. The police should be ticketing them and enforcing the laws.

Eugene Sarafin – 628 S. Main St., believes in the Citizen Service Act and reviewed the act requirements. He testified before LUARCC and was very disappointed because they just keep paying for studies on merging municipalities, but nobody wants to advise how to make the changes. The taxpayers are the ones who suffer.

Richard Pratt – 214 Stockton St, he is the Chairperson of the Skate Park Committee and he supports the break from the Borough. He worked with the Attorneys to write the resolution and establish an agreement. He wrote his own resolution which he proceeded to read.

Linda Falkowski – 153 Mechanic Street, commented that the rescue truck was paid for by the Fire Department and if they have that money, why is the Borough funding the firehouse? Hightstown has no use for such a heavy truck; and why are we paying for lights? The Deputy Chief's car has a \$2,000.000 light bar. Why is the Fire Departments money such a secret? Why am I concerned when a Firefighter goes into a house and finds rooms with locks on them? Did children live there; is this overburdening our school system? Most of these problems would be solved by consolidation, but some of these problems can be fixed now. Council can curtail this by saying stop.

Paul Baron - 320 Stockton Street, brought up the subject of volley ball, which he supports. The Master Plan highlights a large problem regarding volley ball games and the issues it brings up. He commented that the recreational system should meet the needs of the many different people living here. The chart in the Master Plan highlights the lack of recreational facilities in the Borough and that the Borough should work with the schools and East Windsor to fill the needs of the residents.

Fran Columbo – Tavern on the Lake Owner, commented that she has been in town for 15 months and she believes that the Borough and Police Department have something against businesses. The taxis are needed in town and Council is making it difficult for them to work here. Her business is being harassed about signs; but she needs to advertise. The Borough should bend a little in these tough economic times.

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

Presentation:

The Mayor recanted memories of getting trophies after a lot of hard work. He then proceeded to read and present a proclamation to the Hightstown Rams Pop Warner Midget Cheerleading Squad.

Public Hearing and Final Reading - Ordinance 2009-24 Dumpsters and Refuse Containers

The Mayor opened the Public Hearing on Ordinance 2009-24

Eugene Serafin - 628 S. Main St. – commented that this ordinance is a wonderful idea and he thinks Council should support it.

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

Councilmember Quattrone moved for introduction of Ordinance 2009-24, Council President Sikorski seconded. Discussion followed.

Councilmember McGinty is concerned as to where in Chapter 25 of the Borough Code will this ordinance be placed? Attorney Raffetto stated he would review the ordinances and change the language to reflect where it will be placed in the Borough Code. Councilmember Bond commented regarding the wording on recycling in section 4 regarding the exceptions. It was decided that the Attorney will review the ordinance and that the vote for adoption be postponed until December 21, 2009 meeting. The Attorney advised that they will not have to re-open the public hearing if the changes are non-substantive.

The Mayor called for a Roll Call Vote for the postponement of the adoption of ordinance 2009-24

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

The vote on Ordinance 2009-24 is postponed until December 21, 2009, 6-0

First Reading and Introduction - Ordinance 2009-27 An Ordinance Amending and Supplementing Section 2-11 Entitled “Deputy Borough Clerk” of Chapter 2 “Administration” of the Revised General Ordinances of the Borough of Hightstown

The Attorney gave a brief overview of the ordinance and stated it was being introduced for reasons of economy and efficiency along with other staffing changes.

Council President Sikorski moved for adoption of Ordinance 2009-27, Councilmember Theokas seconded. Discussion followed.

Councilmember McGinty was concerned with the changes in formatting of the ordinance and believes it would be wiser to keep this section of the code to preserve the position if it is needed in the future.

Roll Call Vote: Councilmembers Sikorski, Theokas, Bond, voted yes; Councilmembers McGinty, Quattrone and Schneider voted no. The Mayor broke the tie vote with a yes.

Ordinance introduced 4-3. The public hearing and final reading of ordinance 2009-27 will be held on December 21, 2009.

Ordinance 2009-27

BOROUGH OF HIGHTSTOWN

COUNTY OF MERCER

STATE OF NEW JERSEY

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 2-9, ENTITLED “BOROUGH ADMINISTRATOR,” AND SECTION 2-11, ENTITLED “DEPUTY BOROUGH CLERK,” OF CHAPTER 2, “ADMINISTRATION,” OF THE “REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN, NEW JERSEY.”

WHEREAS, the Hightstown Borough Council has determined that it is appropriate to delete the title of Deputy Borough Clerk from the Revised General Ordinances of the Borough of Hightstown; and,

WHEREAS, the deletion of the title of Deputy Clerk requires the movement of the previously enacted provision stating that the Business Administrator may be appointed by the Mayor and Council to serve as an Associate Deputy Clerk on an annual or an as needed basis so that the services of a Deputy Borough Clerk will be available at meetings where attendance by the Borough Clerk may not be convenient or possible.

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

Section 1:

1. That Section 2-9, entitled "Borough Administrator," Subsection 2-9.8, entitled "Powers and Duties," of Chapter 2, "Administration," of the "Revised General Ordinances of the Borough of Hightstown, New Jersey," is hereby amended and supplemented in the following specific respects (additions are shown with underline and deletions are shown with ~~strikeout~~):

Subsection 2-9.8 Power and Duties.

The Administrator shall, under the direction of the Mayor and Council, to the extent not prohibited by law:

a. Be responsible for the proper and efficient administration of all Borough business, except those duties and responsibilities conferred upon other Borough officials by State statutes, other applicable laws, rules and regulations promulgated by State and County agencies, judicial authority or ordinances of the Borough;

b. Serve as the Borough's Personnel Officer, with final authority for the hiring, promotion, discipline, suspension or discharge of any employee, except those for whom the Mayor and Council are directly responsible, provided that those employees covered by other applicable State statutes or Borough ordinances shall be hired, promoted, disciplined, suspended or discharged in accordance with such laws. The appointment, discipline, suspension or discharge of department heads shall be subject to prior consultation by the Administrator with the Mayor and Council. Department head salaries shall be set by the Mayor and Council, and the Administrator shall set the salaries of all other employees within the ranges set forth in the salary ordinance.

c. Oversee all departments and assign responsibility for departmental action, and coordinate interdepartmental operations, including those of the Borough Attorney, Borough Engineer and Borough Auditor;

d. Prepare the proposed Annual Borough Budget by requiring and receiving appropriation requests from the heads of departments and reviewing such requests with the Borough Council member concerned, transmitting a tentative Budget and consulting with the Mayor and Council with respect thereto and submitting his final recommendations in the time and form required by law for municipal budgets, appending thereto a detailed analysis of the various items of expenditure and preliminary revenues and such explanatory comment or statement as may be desirable;

e. Administer the budget after its adoption, implement the work programs contained therein, and enforce the financial procedures and policies of the Borough and its departments;

f. Execute and enforce the laws of the State and ordinances and resolutions of the Borough except where authority is granted to others by statutes or ordinance; see that all the terms and conditions imposed in favor of the Borough or its inhabitants in any statute, public utility franchise, performance bond, or other contractual undertaking are complied with;

g. Keep the Mayor and Council informed as to the conduct of Borough affairs, as well as the condition of Borough finances and make such recommendations to the Mayor and Council as he deems necessary and advisable;

h. Recommend to the Mayor and Council the employment of professional service consultants to perform work and render advice;

i. Negotiate or assist in the negotiation of contracts in accordance with law, and supervise the performance and faithful execution of such contracts, except insofar as such duties are expressly imposed upon some other Borough officer or official by statute or ordinance;

j. Prepare, where appropriate, specifications and bid requirements. All bids are to be received by the Borough Clerk and reviewed by the Administrator, who shall make recommendations to the governing body;

k. Review and recommend all bills and vouchers for payment prior to final approval by the Mayor and Council;

l. Maintain a continuing review and analysis of budget operations, work programs, and costs of municipal services;

m. At the request of the Mayor and Council, study and analyze the duties and responsibilities of any appointed official or department of the Borough, submitting his report relating thereto to the Mayor and Council for such further action as the Mayor and Council may deem advisable;

- n. Study, recommend, implement and enforce procedures and policies of the Borough and its departments for receipt, dissemination and collation of, and responses to, communications and information;
- o. Delegate some of the specific tasks assigned to him; however, he shall retain responsibility for all such work completed by others;
- p. Attend all meetings of the Council with the right to take part in discussion, but not to vote;
- q. Submit to the Mayor and Council, as requested, verbal and written reports on administrative activities of the Borough;
and
- r. The Mayor and Council may appoint the Business Administrator to serve as an Associate Deputy Clerk for no additional compensation. The appointment shall be made on an annual basis or an as needed basis so that the services of a Deputy Borough Clerk will be available at meetings where attendance by the Borough Clerk may not be convenient or possible;
and
- f. s. Perform such other duties as may be required by the Mayor and Council and perform those duties as may be set forth in a job description established for the Administrator position.

2. That Section 2-11, entitled "Deputy Borough Clerk," of Chapter 2, "Administration," of the "Revised General Ordinances of the Borough of Hightstown, New Jersey," is hereby amended and supplemented in the following specific respects (additions are shown with underline and deletions are shown with ~~strikeout~~):

~~Section 2-11~~

~~DEPUTY BOROUGH CLERK~~

~~Subsections:~~

~~2-11.1 Position Created.~~

~~2-11.2 Appointment; Term; Vacancy.~~

~~2-11.3 Powers and Duties.~~

~~2-11.4 Defense and Indemnification.~~

~~2-11.5 Associate Deputy Clerk.~~

~~Subsection 2-11.1 Position Created.~~

~~— There is hereby created the position of Deputy Borough Clerk, which may be a full-time or part-time position.~~

~~Subsection 2-11.2 Appointment; Term; Vacancy.~~

~~— The Deputy Borough Clerk shall be appointed, upon the recommendation of the Clerk, by the Mayor with the advice and consent of Council, for a term of one (1) year calculated from the 1st of January of the year of the appointment. Any vacancy in said office occurring other than by expiration of term shall be filled in the same manner, but for the unexpired term only.~~

~~Subsection 2-11.3 Powers and Duties.~~

~~— The Deputy Borough Clerk shall have all of the powers and duties of the Borough Clerk during absence or disability of the Borough Clerk, and shall also have such other powers and duties as shall be prescribed from time to time by the Borough Clerk, Mayor or Council.~~

~~Subsection 2-11.4 Defense and Indemnification.~~

~~—The Borough shall provide the Deputy Borough Clerk with defense and indemnification, to the extent permitted by N.J.S.A. 40A:9-133, of any action or legal proceeding arising out of and directly related to the Deputy Borough Clerk's lawful exercise of authority in furtherance of the Deputy Borough Clerk's official duties when exercising the powers of the Borough Clerk during the absence or disability of the Borough Clerk.~~

~~Subsection 2-11.5—Associate Deputy Clerk.~~

~~—The Mayor and Council may appoint the Borough Administrator to serve as an Associate Deputy Clerk for no additional compensation. The appointment shall be made on an annual basis or an as needed basis so that the services of a Deputy Borough Clerk will be available at budget meetings or other meetings where attendance by the Borough Clerk or Deputy Borough Clerk may not be convenient.~~

Section 2. Severability. If any sentence, paragraph or section of this Ordinance, or the application thereof to any persons or circumstances shall be adjudged by a court of competent jurisdiction to be invalid, or if by legislative action any sentence, paragraph or section of this Ordinance shall lose its force and effect, such judgment or action shall not affect, impair or void the remainder of this Ordinance.

Section 3. Effective Date. This Ordinance shall become effective immediately upon final passage and publication in accordance with the law.

Section 4. Repealer. All other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

First Reading and Introduction - Ordinance 2009-28 An Ordinance Amending Chapter 28 “Zoning” of the Revised General Ordinances of the Borough of Hightstown Regarding Portable Toilets

The Attorney explained that this ordinance came from the Planning Board.

Council President Sikorski moved for introduction of Ordinance 2009-28, Councilmember Theokas seconded. Discussion followed.

After much discussion and the Council expressing many concerns over the language in this ordinance, the Mayor called for a Roll Call Vote to send this ordinance back to the Planning Board for further review and consideration.

Roll Call Vote: Councilmembers Sikorski, Theokas, Bond, McGinty, and Quattrone voted yes. Councilmember Schneider was momentarily absent from the meeting and did not vote.

Ordinance sent back to the Planning Board, 5-1

First Reading and Introduction - Ordinance 2009-29 An Ordinance Amending Chapter 3 “Permits” and Chapter 28 “Zoning” of the Revised General Ordinances of the Borough of Hightstown Regarding Demolition of Buildings and Structures

The Attorney explained that this ordinance came from the Planning Board.

Councilmember Schneider moved for postponement of Ordinance 2009-29 due to concerns with the language, Council President Sikorski seconded. Discussion followed.

After much discussion and the Council expressing many concerns over the language in this ordinance, the Mayor called for a Roll Call Vote to send this ordinance back to the Planning Board for further review and consideration.

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

Ordinance sent back to the Planning Board, 6-0

First Reading and Introduction - Ordinance 2009-30 An Ordinance Amending Chapter 28 “Zoning” of the Revised General Ordinances of the Borough of Hightstown Regarding Portable Storage Units and Dumpsters and the Height of Fences in the Front Yard

The Attorney again explained that this ordinance came from the Planning Board.

Council President Sikorski moved for introduction of Ordinance 2009-29 Councilmember Schneider seconded. Discussion followed.

Councilmember McGinty expressed concerns over the language in this ordinance and moved to send this ordinance back to the Planning Board for further review and consideration, Councilmember Theokas seconded.

The Mayor called for a Roll Call Vote to send this ordinance back to the Planning Board for further review and consideration.

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

Ordinance sent back to the Planning Board, 6-0

Resolution 2009-257, Authorizing the Mayor to Sign an Agreement Regarding the Transfer of Skatepark Funds to Next Level Youth

There was discussion regarding using Mr. Pratt's resolution and naming it 2009-257. There was concern regarding the lack of Borough endorsement of the skate park and the fact that there is no 501(3)c named in the resolution to whom the funds will be transferred. The Attorney clarified that the funds are under the control of the Parks and Recreation Commission, however they must be deposited with the Treasurer of the Borough. Mr. Pratt clarified that he does not have a 501(3)c in mind at this time. Mr. Lang stated that the resolution should distinguish where the funds will be deposited.

Resolution 2009-257 was moved by Councilmember Theokas and seconded by Councilmember Schneider.

Discussion continued and Councilmember Theokas motioned to postpone the adoption of the resolution until after they have a 501(3)c to accept the transfer of funds, Councilmember Schneider seconded. The Attorney was directed to pay special attention to the verbiage in the resolution once it does come forward, to make sure the interests of the Borough are covered thoroughly.

The Clerk inquired of the Attorney whether we would retain the same number for this resolution and continue to change the resolution until it meets Council's satisfaction, or should they vote down this resolution and move forward with a new one once the items are addressed? The Attorney responded that we can retain the same number with the revised verbiage.

There being no further discussion, the Mayor called for a roll call vote for the postponement of this resolution.

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

Resolution postponed 6-0.

Resolution 2009-258 Directing the Removal Forthwith from the Hightstown Borough Website of the link to "Information Regarding Hightstown Skatepark Proposal

Councilmember McGinty moved resolution 2009-258, Council President Sikorski seconded.

Discussion followed. There was concern regarding the link on the Borough website giving the impression that the Borough supports this project and that the information on the skate park website is not accurate. The Borough should not be connected with this project.

There being no further discussion, the Mayor called for a roll call vote to remove the link for the skate park from the Borough website.

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

Resolution adopted 4-2.

Resolution 2009-258

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

**DIRECTING THE REMOVAL FORTHWITH FROM THE HIGHTSTOWN
BOROUGH WEBSITE OF THE LINK TO "INFORMATION REGARDING
HIGHTSTOWN SKATEPARK PROPOSAL"**

WHEREAS, the Hightstown Borough Council has considered the issues presented as to the listing on the Hightstown Borough website of a link described as “Information regarding Hightstown Skatepark proposal”;

NOW, THEREFORE, BE IT RESOLVED, by the Hightstown Borough Council, that the link described as “Information regarding Hightstown Skatepark proposal” on the Hightstown Borough website (<http://www.hightstownborough.com>) should be removed forthwith, and as quickly as can be accomplished.

The Mayor announced that the Borough Clerk and he has decided that the resolutions authorizing the payment of bills will not be placed in the consent agenda this and future agendas.

Resolution 2009-269 Authorizing the Payment of Bills

Resolution 2009-268 was moved by Council President Sikorski, Council member Schneider seconded.

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

Resolution adopted 6-0.

Resolution 2009-269

*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 Mayor, the appropriate Councilmember and the Treasurer from the following accounts

in the amount of \$ 1,186,454.26

Current	\$1,089,520.30
W/S Operating	74,707.05
General Capital	17,876.50
W/S Capital	115.00
Public Defender	150.00
Trust Account	1,093.32
Grant Account	1,374.05
Law Enforcement	1,035.04
Housing Trust	583.00
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Total	<u><u>\$1,186,454.26</u></u>

Consent Agenda

Council President Sikorski moved that the resolutions contained in the consent agenda be done individually, Councilmember Schneider seconded; all ayes.

Resolution 2009-270 Authorizing Issuance of a Raffle License RL-212 to Hightstown Engine Co. #1 Ladies Auxiliary

Council President Sikorski moved resolution 2009-270, Councilmember Schneider seconded.

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

Resolution adopted, 6-0.

Resolution 2009-270

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

**AUTHORIZING ISSUANCE OF RAFFLE LICENSE #RL-212 TO
HIGHTSTOWN ENGINE CO. #1 LADIES AUXILIARY**

WHEREAS, the Hightstown Engine Co. #1 Ladies Auxiliary wishes to hold on-premise 50/50 raffles at 140 North Main Street, on January 23, April 24, July 24 and October 23, 2010; and

WHEREAS, the group has submitted application number RA-212 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-212 to Hightstown Engine Co. #1 Ladies Auxiliary for their raffles to be held on January 23, April 24, July 24 and October 23, 2010.

Resolution 2009-271 Opposing A-3119 Which Grants Powers to the Local Unit Alignment, Reorganization and Consolidation Commission (LUARCC)

Councilmember Schneider moved resolution 2009-271, Council President Sikorski seconded.

Discussion followed and the Councilmembers and Mayor expressed their disappointment that this pending legislation would take away State Aid if the voters do not agree with LUARCC's opinion and consolidate. They would be punishing the voters for not agreeing with their suggestion, while they have a right to vote on the recommendations brought forth by the LUARCC. Council President Sikorski felt that the LUARCC is doing a job and their decisions should be supported by the voters.

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

Resolution adopted, 4-1 with 1 abstention.

Resolution 2009-271

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

**OPPOSING ASSEMBLY BILL A-3119 WHICH INCREASES THE POWERS OF THE LOCAL
UNIT ALIGNMENT, REORGANIZATION AND CONSOLIDATION COMMISSION (LUARCC)**

WHEREAS, Assembly bill A-3119 addresses the Local Unit Alignment, Reorganization and Consolidation Commission (LUARCC); and

WHEREAS, the Borough Council agrees that renaming the Commission in honor of the late Assembly Speaker Alan J. Karcher who was a strong proponent of property tax relief is commendable; and

WHEREAS, this bill also directs the LUARCC to place particular emphasis on the assumption, by counties, of municipal functions and this is a requirement which encourages the Commission to slant their recommendations; and

WHEREAS, this bill also imposes serious hardship on voters who democratically reject a LUARCC recommendation of

consolidation by denying those voters the benefit of Consolidated Municipal Property Tax Relief Act (CMPTRA) funding for five years, and full revenue replacement funding for another five years; and

WHEREAS, the Mayor and Council of Hightstown Borough find that it is inappropriate to deny the voters property tax relief funding for rejecting an option offered by an agency of the State; and

WHEREAS, taxpaying citizens of the State must be allowed the right to determine the future government of their communities and be assured equitable access to the benefits secured by their own tax dollars.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that they oppose Assembly Bill A-3119 for the above mentioned reasons and request that the State Legislators oppose this proposal.

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be sent to the State Legislators of District 12.

Resolution 2009-272 Authorizing the Transfer of Funds in the 2009 Budget

Council President Sikorski moved resolution 2009-272, Councilmember Schneider seconded.

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

Resolution adopted, 6-0.

Resolution 2009-272

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

AUTHORIZING A TRANSFER OF FUNDS IN THE 2009 BUDGET

WHEREAS, N.J.S.A 40A:4-58 provides that the governing body may authorize a transfer of funds in the budget during the last two months of the fiscal year.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the following transfers in the 2009 budget are hereby authorized:

CURRENT:		<u>From</u>	<u>To</u>
<u>Litigation</u>			
9-01-20-155-002-020	Other Expense		\$ 2,000.00
<u>Sanitation</u>			
9-01-26-305-001-020	Other Expense	\$ 1,620.00	
<u>Recycling</u>			
9-01-26-311-001-020	Other Expense	\$ 2,300.00	

Vehicle Maintenance

9-01-26-315-001-020	Other Expense	\$ 2,300.00
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Community Services Act

9-01-26-325-001-020	Other Expense	\$ 2,000.00
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Uniform Construction Code

9-01-33-195-001-011	Salaries	\$ 450.00
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9-01-33-195-001-020	Other Expense	\$ 450.00
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Current Account Sub Totals	\$ 6,370.00	\$ 4,750.00
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Outside of Caps

Recycling Tax

9-01-43-496-001-020	Other Expense	\$ 1,620.00
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Current Account Totals	\$ 6,370.00	\$ 6,370.00
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Resolution 2009-273 Authorizing a Refund of Overpaid Taxes

Council President Sikorski moved resolution 2009-273, Councilmember Schneider seconded.

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

Resolution adopted, 6-0.

Resolution 2009-273

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

AUTHORIZING A REFUND OF OVERPAID TAXES

WHEREAS, the sale of the property located at 111 Park Way has caused an overpayment of fourth quarter 2009 taxes in the amount of \$1,763.70 by the seller's mortgage company; and,

WHEREAS, the Tax Collector has requested that the amount of said overpayment be refunded to the property owners;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Tax Collector and Treasurer are hereby authorized to issue a refund in the amount of \$1,763.70 to Jessica DeFreese, 7 Meridian Circle, Rohnert Park, CA 94928 representing the tax overpayment as set forth herein.

Resolution 2009-274 Authorizing the Purchase of Firefighter Turn-out Gear

Councilmember Quattrone moved resolution 2009-274, Council President Sikorski seconded.

Discussion followed. The Fire Chief, Larry Van Kirk gave an explanation of the gear and explained that this purchase is already funded and authorized in ordinance 2009-16.

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

Resolution adopted, 6-0.

Resolution 2008-274

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

AUTHORIZING THE PURCHASE OF FIREFIGHTER TURN-OUT GEAR

WHEREAS, the Hightstown Fire Company has a need for Turn-Out Gear; and

WHEREAS, this equipment is available from Total Fire Group under State Contract No. 71050; and

WHEREAS, funding for this purchase was previously provided by Council through the adoption of the General Capital Fund and Fire Department Budget;

WHEREAS, funds for this purchase are available in account #C-04-55-857-001-444, known as Borough Fire Trucks/Related/Protect Equip in the amount of \$14,125.00 and account #9-01-25-252-002-172, known as Turn-Out Gear in the amount of \$505.00, for a total purchase amount of \$14,630.00, 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 purchase of Turn Out Gear from Total Fire Group of Dayton, Ohio for the total price of \$14,630.00 is hereby approved.

Resolution 2009-275 Authorizing the Purchase of Lights for the Ladder Truck

Council President Sikorski moved resolution 2009-275, Councilmember Quattrone seconded.

Discussion followed. Chief Van Kirk explained that the warning lights on the ladder truck are not working and need to be replaced.

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

Resolution adopted, 6-0.

Resolution 2009-275

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

AUTHORIZING THE PURCHASE OF LIGHTS FOR THE LADDER TRUCK

WHEREAS, the Hightstown Fire Company has purchased a new Ladder Truck; and

WHEREAS, there is a need for the installation of lights on said truck; and

WHEREAS, funding for this purchase was previously provided by Council through the adoption of the General Capital Fund; and

WHEREAS, the Fire Company has received three quotes for the lights and Diamond State Ambulance of Newark, DE has

provided the lowest quoted price of \$7,575.00; and

WHEREAS, the Fire Company recommends that the lights be purchased from Diamond State Ambulance; and

WHEREAS, funds for this purchase are available in account #C-04-55-857-001-444, known as Borough Fire Trucks/Related/Protect Equip in the amount of \$7,575.00, 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 purchase of lights for the new ladder truck from Diamond State Ambulance of Newark, DE at the price of \$7,575.00 is hereby approved.

Resolution 2009-276 Awarding a Contract for Zeta Lyte 305 CVH Cationic Polyelectrolyte – Custom Environmental Technology

Council President Sikorski moved resolution 2009-276, Councilmember Bond seconded.

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

Resolution adopted, 6-0.

Resolution 2009-276

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

**AWARDING CONTRACT FOR ZETA LYTE 305 CVH CATIONIC
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, an equivalent for this chemical was bid by Coyne Chemical of Croydon, PA and the equivalency of said chemical was found to be deficient when tested by the AWWTP; 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 Lyte CVH Cationic Polyelectrolyte be awarded to the second low bidder, Custom Environmental Technology, Inc. of Collegeville, Pennsylvania at a per unit price of \$15.79 per gallon with a total contract price of \$36,474.90; 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 Lyte CVH Cationic Polyelectrolyte is hereby awarded to Custom Environmental Technology, Inc. of Collegeville, Pennsylvania.

Resolution 2009-277 Waiving Permit Fees for a Habitat for Humanity Project Located at 250 Academy Street

Council President Sikorski moved resolution 2009-277, Councilmember McGinty seconded.

Councilmember Bond explained that the only fees being waived for the project are the Hightstown Borough fees, the State fees must be paid. It was also confirmed that the project will still be required to have an escrow fund and pay the appropriate professional fees.

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

Resolution adopted, 6-0.

Resolution 2009-277

*BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER*

**WAIVING PERMIT FEES FOR A HABITAT FOR HUMANITY PROJECT LOCATED
AT 250 ACADEMY STREET (BLOCK 40/LOT 28)**

WHEREAS, Habitat for Humanity is an organization that builds/re-builds homes for low-income homeowners ; and

WHEREAS, Habitat for Humanity will be re-constructing the property located at 250 Academy Street (Block 40/Lot 28) and they have requested that the Borough waive construction, sewer and water permit fees associated with the project; and

WHEREAS, the Borough Council of Hightstown finds that this is a very worthy project and agrees to waive said Borough fees as requested; and

WHEREAS, it is understood that the Borough is only waiving the fees being collected by the Hightstown Borough and the fees due the State of New Jersey will still be due and payable.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Hightstown, that the construction, sewer and water permit fees for the Habitat for Humanity Project located at 250 Academy Street (Block 40/Lot 28) shall be waived.

Resolution 2009-278 Authorizing the Clerk to Sign over a Title to Hightstown Fire Co. #1

Council President Sikorski moved resolution 2009-278, Councilmember Schneider seconded.

Chief Van Kirk explained that they would be using this vehicle for trade-in on the new rescue truck and that the truck for which they are requesting the title was only put in the Borough's name for insurance purposes, it actually belongs to the Fire Company.

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

Resolution adopted, 6-0.

Resolution 2009-278

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

**AUTHORIZING THE CLERK TO SIGN OVER A TITLE FOR A RESCUE TRUCK
TO HIGHTSTOWN FIRE CO. #1**

WHEREAS, Hightstown Fire Co. #1 is purchasing a new 2010 Ferrara Heavy Duty Rescue Truck to replace two (2) trucks in their fleet; and

WHEREAS, they will be donating a 1968 Ford Special Services Truck to Public Works to replace the existing water truck in that department; and

WHEREAS, Hightstown Fire Co. #1 had previously turned over the title to the 1991 Ford Rescue Truck to the Borough so that insurance could be provided through the Central Jersey JIF; and

WHEREAS, Hightstown Fire Co. #1 is using the 1991 Ford Rescue Truck as a trade-in on the new vehicle and the title must be signed by the Borough for vehicle to be used as a trade-in; and

WHEREAS, the Borough Clerk will sign the title to facilitate Hightstown Fire Co. #1 to use this vehicle as a trade-in on their new purchase.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Hightstown, that the Clerk is hereby authorized to sign the title for the 1991 Ford Rescue Truck for Hightstown Fire Co. #1 to use this vehicle toward the trade-in on the purchase of a new 2010 Ferrara Heavy Duty Rescue Truck.

After a brief five minute break, discussion ensued regarding amendments to the Revised General Ordinances of the Borough of Hightstown. Councilmember McGinty stated that certain quality of life issues have been brought to her attention by the Police Chief and Code Enforcement Officer. In order to address the items of concern, a review of the ordinances would be required. She would like to form a citizen committee to review these ordinances and make recommendations for revisions; portions of the Revised General Ordinances of the Borough of Hightstown are unenforceable as now written. She would be willing to oversee the meetings and bring the information to the Planning Board, if applicable, and ultimately back to Council. The remainder of Council thought that this was a great idea and recommended that the appropriate Borough Officials be included discussions. Councilmember McGinty was charged with the coordination of the "Ordinance Review Committee".

Public Comment II

Phyllis Deal - 305 Stockton Street, commented that refuse containers do not always have lids that are securely closed and the issue of portable storage and portable toilets need to be addressed. She also inquired whether a dumpster is considered portable storage, and suggested that it be required that these items be removed once a project is complete.

Ron Debow – 504 S. Main St, commented that the Sewer/Water Department is a classic example of the Borough not working with the residents because he is laid off and they will not waive late fees; others work with him. He proceeded to comment that in comparison to East Windsor, Hightstown's rates are 230% higher and it is a hidden tax increase every year.

Rick Pratt – 14 Stockton St, commented that there are bicycles on the sidewalks every day. He also stated that the Liaison for the Historical Preservation Committee does not come to meetings and that they should; he also recommended that Councilmembers attend the Planning Board meetings and speak about their concerns regarding recommended ordinances during that portion of the meeting so as to eliminate the ordinances being sent back to the Planning Board.

Eugene Sarafin - 628 S. Main St., stated that on a scale of 1 to 10, Council was a 9 tonight; they were polite to one another. He asked that Ordinance regarding the Deputy Clerk title be reconsidered, she is a long time employee.

Steve Misiura – 253 S. Main St, is the Chairman of the Planning Board and stated that the ordinances had been worked on for a long time and that their recommendation came from the Construction and Zoning Officials. The demolition ordinance came from the Historic Preservation Commission because there is no protection for historically significant properties. He welcomed the ordinances being sent back to the Planning Board for review.

Stacey Trent – 163 Rogers Ave, she thanked Councilmember McGinty for her willingness to chair a committee to draft ordinances and hopes that as they are developed they will be enforced.

Tory Watkins - 68 Meadow Drive, agreed with Rob Debow regarding the sewer rates and feels the solution would be to get rid of the sewer department. Last week he saw the leaf machine from East Windsor doing leaf pick-up and feels that this is a great example of shared services, but it would not be needed if the residents were required to bag their leaves. He is sorry the woman that owns the Tavern feels Hightstown doesn't support businesses, she sure enjoys the use of the Borough parking lot for free.

Linda ?? – 153 Mechanics St, inquired whether we have a Deputy Clerk, and if not where does the work she does go? Why does Hightstown Borough support the fire department? What happens to all the hall rental money?

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

Council Comments

Councilmember Quattrone – commented that the First Aid is doing well and that the walkway over the falls has been removed. He also noted that Public Works has removed a diseased maple tree, leaves are almost done and yard waste pick-up has ended, the paddle boats have been put into winter storage and a new trash removal schedule will take effect in January.

Councilmember Schneider – None

Council President Sikorski – Thanked Councilmembers Bond and Theokas for their assistance in the subcommittee he chaired in the process to find a Clerk and Business Administrator. He commented that he covered the Mayor's position during his recent absence and appreciates what the Mayor does; he also found the CCL Label tour very interesting.

Councilmember Bond – thanked Steve Misiura for the Planning Board information and commented that the Tavern owner's comments are due to a citation they received because of too many banners being hung on their fence.

Councilmember McGinty – requested that discussion regarding the trust accounts be placed on the next agenda and she inquired as to what the process is for getting items placed on the agenda. Ms. McGinty also stated that we are in need of a COAH Committee and Housing Liaison; she feels that having these in place may save the Borough money. She has been speaking with the Chief of Police regarding enforcement of Borough ordinances and there has been a question regarding sump pump inspections. Councilmember McGinty thinks there may be a new limo company in town and was wondering what the insurance requirements are for them. The Environmental Commission resolution will be done at the next meeting.

Councilmember Theokas – The EDC met this month and will be putting out a survey to all of the businesses. He agreed with the public comments that Council members should attend other meetings because it could eliminate some problems. Regarding the personnel matters, please note that they have a plan and no action that they move forward with is being taken lightly.

Chief Eufemia – thanked the public for their comments regarding bicycles. He informed the Council that they have received a \$5,000.00 grant for DWI checks and that they are enforcing the new parking and taxi ordinances; the quality of life issues are being addressed.

Clerk Sopronyi – commented she attended many seminars at the League last week and found them most beneficial.

Mayor Patten – commented that Hightstown has lost \$11,700 in aid this year and has less surplus as well as a revenue shortfall. He predicts that we will receive even less aid in the future and we must reduce expenditures and this will affect the services being provided to the public as they will also have to be cut.

Council President Sikorski moved to adjourn the meeting at 10:35pm, and Councilmember Schneider seconded; the Motion was approved unanimously.

Respectfully Submitted,

Debra L. Sopronyi

Borough Clerk