

**Meeting Minutes**  
**Hightstown Borough Council**  
**Regular Meeting**  
**December 21, 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 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; Larry Blake, Public Works Director; Frederick Raffetto, Borough Attorney; and Carmela Roberts, Borough Engineer.

**Approval of Agenda**

Council President Sikorski motioned to accept the agenda, Councilmember Schneider seconded. Councilmember Quattrone requested that the agenda be amended to move resolution 2009-293 to the beginning of the meeting so Mr. Blake did not have to stay for the entire meeting. Council President Sikorski motioned to amend the agenda to move resolution 2009-293 to the beginning of the meeting, Councilmember Schneider seconded, all approved.

**Approval of Minutes:**

Council President Sikorski motioned to accept the minutes of the November 2, 2009 open session meeting minutes, Councilmember Schneider seconded. Councilmember McGinty abstained; the remainder of the Council approved the minutes.

**Public Comment I**

Mayor Patten opened the floor for public comment.

**Barbara Jones** – 215 Greeley St., commented what a great job Larry Blake and his men do with recycling and encouraging environmental initiatives. She encouraged Council to support resolution 2009-293

**Gary Stevens** – 231 Rogers Avenue, is a Webmaster and would like to submit a proposal to the Borough for these services. He feels we are paying way too much and that he could greatly improve the website for a much lower cost.

**Tory Watkins** - 68 Meadow Drive, was upset that the agendas were not in place for the public since the Council was late opening the general meeting.

**Linda Falkowski** – 153 Mechanic Street, A special thanks to Larry Blake and his crew for all their hard work. She would like to know if anyone has the answers to the questions she asked at the last meeting. The ordinance on the agenda tonight totally removes the position of Deputy Clerk from the Borough; what is going to happen to the duties associated with that title? What about the Registrar position, they must be certified; what about the Planning Board Secretary title? When this position is removed, how much money is it saving the Borough? What about in the Clerk's absence, who will perform those duties and can the clerk absorb all of the duties previously performed by the deputy? She would like some answers in 2010.

**David Bell** – 114 First Avenue, he is interested in serving on the Quality of Life Committee.

**Taylor Bell** – 114 First Avenue, she had talked to Debbie who told her that the Mayor would call her, but he did not call. The Mayor apologized for his delay in contacting her and said he would call her in the evening this week.

**Phyllis Deal** –inquired into whether she could receive a waiver from getting a dog license since her dog is very old and she does not want the dog to have to get a rabies shot; the dog does not go out. She was told that unfortunately as long as the dog is alive it must have its shots and be licensed.

**Eugene Sarafin** – 628 S. Main St., addressed the Borough Attorney, Fred Raffetto, telling him that he did a great job and will be missed. Happy Holidays to everyone.

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

**Resolution 2009-293 Recognizing and Commending the Efforts of the Hightstown Department of Public Works, and its Superintendent, Larry Blake, for encouraging and Assisting in Environmental Initiatives to the Benefit of Borough of Hightstown**

**Resolution 2009-293** was moved by Councilmember McGinty and seconded by Councilmember Theokas. Discussion followed.

Councilmember McGinty stated that this is not the original resolution that she submitted for consideration as written and reviewed by the Environmental Commission; this resolution is showing support for application for the Sustainable Jersey Program. The Mayor confirmed that he had changed it to add the Mayor to the “Therefore Be it Resolved” and split out some information to be more noticeable.

Councilmember McGinty commented that there appears to be a pattern of not getting her items on the agenda. She also addressed the Attorney regarding the Mayor’s participation in discussions. The Attorney responded that this issue has been previously reviewed and he reminded the Council that the Mayor’s role is to preside at the meeting, set the agenda, and make recommendations but not to engage in debate.

Councilmember Schneider commented that the text from both of the resolutions appears to be good, and he suggested that they vote on both resolutions. All agreed and the Mayor called for the roll call vote on the resolution currently on the agenda.

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

Resolution adopted, 6-0

**Resolution 2009-293**

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

**RECOGNIZING AND COMMENDING THE EFFORTS OF THE  
HIGHTSTOWN DEPARTMENT OF PUBLIC WORKS, AND ITS  
DIRECTOR, LARRY BLAKE, TO ENCOURAGE AND ASSIST IN  
ENVIRONMENTAL INITIATIVES TO THE BENEFIT OF ALL OF  
HIGHTSTOWN**

**WHEREAS**, the Borough Council of the Borough of Hightstown recognizes and proclaims the importance of environmental initiatives to the vitality and future of the Borough;

**WHEREAS**, the Hightstown Borough Council recognizes the efforts of the Hightstown Department of Public Works, and its director, Larry Blake, in undertaking and assisting in environmental initiatives;

**WHEREAS**, the Hightstown Borough Council aims to take actions that will promote the Borough’s efforts to achieve the goals of sustainability, as the Borough aims to meet the requirements of the Sustainable Jersey Program; and

**WHEREAS**, the Hightstown Borough Council recognizes specific actions taken by the Department of Public Works to assist the Borough in its environmental efforts, specifically by actions which have included, but not been limited to, aiding in Borough clean-up activities and initiatives; spearheading the efforts to put in place a program for the collection and disposal of fluorescent light fixtures in an environmentally-friendly manner; assisting in the Environmental Commission’s efforts to encourage Borough residents’ reliance on live Christmas trees, which will be collected by Public Works employees, stored under mulch, and then relocated and planted in the Borough at selected sites; assisting the Environmental Commission in getting residents of other communities to participate in the live Christmas tree initiative, by assisting in the collection and relocation of such out-of-Borough trees; and assisting the Environmental Commission in the Borough-wide anti-idling campaign, by the positioning of posts upon which the signs can be erected, and by the placement of the signs promoting engine-turn-off policies;

**NOW, THEREFORE, BE IT RESOLVED** that the Borough Council of the Borough of Hightstown recognizes and commends the actions taken by the Hightstown Department of Public Works, and the efforts of its Director, Larry Blake, to support and to further the environmental initiatives undertaken by the Environmental Commission and the Borough of Hightstown.

**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 did a brief review of the provisions of the Ordinance and stated it was being adopted for reasons of economy and efficiency.

The Mayor opened the Public Hearing on Ordinance 2009-27

**Eugene Serafin** - 628 S. Main St.,– inquired as to whether the Business Administrator is a Certified Clerk, and since he is not, how can he substitute for the Clerk? If you want to get rid of someone, just do it. Leona has done a great job all these years. Isabel McGinty is an Attorney, Council should listen to her.

**Tory Watkins** – 68 Meadow Drive, finds it incredible and impossible to believe that the Council will not keep a Certified Clerk in the front office. It is his understanding that the new Borough Clerk is not certified.

Councilmember McGinty commented that this ordinance is in a different format than the one that was introduced and there seems to be a change in verbiage. The Attorney commented that the formatting is irrelevant to the adoption of the ordinance; however the verbiage change should be stricken. Council should vote on the new formatting with the original verbiage. The duties that the current Deputy Clerk performs should be evaluated and it should be determined how her absence is going to affect the new Borough Clerk and Business Administrator.

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

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

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 adopted 4-3.

**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.

**Engineer's Items:**

**Resolution 2009-280, Authorizing Payment #3 B & B Construction – Peddie Lake Dam Project**

Carmella Roberts reviewed the resolution.

**Resolution 2009-280** was moved by Council President Sikorski and seconded by Councilmember Theokas.

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

Resolution adopted, 6-0

**Resolution 2009-280**

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

**AUTHORIZING PAYMENT NO. 3 – 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 Payment Request No. 3 for work done in the total amount of \$8,810.00; and

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

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that Payment Request No. 3 from B & B Construction Co., LLC of Howell, New Jersey in the amount of \$8,810.00, as detailed herein, is hereby approved, and the Treasurer is authorized to issue same, subject to receipt of all required certified payrolls.

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

**Resolution 2009-281, Authorizing Payment #3 and Final Ace Manzo, Inc. – Morrison Avenue Improvements**

Carmella Roberts reviewed the resolution.

**Resolution 2009-281** was moved by Council President Sikorski and seconded by Councilmember Quattrone.

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

Resolution adopted, 6-0

**Resolution 2009-281**

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

**AUTHORIZING PAYMENT NO. 3 AND FINAL – ACE MANZO, INC.  
(MORRISON AVENUE IMPROVEMENTS)**

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

**WHEREAS**, the contractor has submitted Payment Request No. 3, Final Payment, in the amount of \$9,636.90; and,

**WHEREAS**, the contractor has submitted the closeout documents for this project, including the Consent of Surety to Final Payment and the Maintenance Bond and the Borough Attorney has reviewed said closeout documents and finds them to be in order; and,

**WHEREAS** the Borough Engineer has recommended approval of this payment request, as all required certified payrolls for this project have been previously submitted;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown Payment Request No. 3-Final from Ace-Manzo, Inc. of Aberdeen, New Jersey in the amount of \$9,636.90, as detailed herein, is hereby approved, and the Treasurer is authorized to issue same.

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

**Resolution 2009-282, Authorizing Change Order #3 and Custom Environmental Technologies – Polymer**

Carmella Roberts reviewed the resolution.

**Resolution 2009-282** was moved by Councilmember Schneider and seconded by Councilmember Quattrone.

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

Resolution adopted, 6-0

**Resolution 2009-282**

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

**AUTHORIZING CHANGE ORDER NO. 2 - CUSTOM ENVIRONMENTAL TECHNOLOGY  
(ZETA LYTE 305CVH)**

**WHEREAS**, on December 1, 2008, the Borough Council awarded a contract to Custom Environmental Technology of Collegeville, PA for the provision of Zeta Lyte 305CVH for the one-year period running from January 1, 2009, through December 31, 2009, at the unit price of \$15.79/gal. and for a total amount not to exceed Sixteen Thousand Nine Hundred Forty-Two Dollars and Sixty-Seven Cents (\$16,942.67); and

**WHEREAS**, it has been necessary to use more of this chemical than what had been anticipated at the time that bid specifications were prepared; and,

**WHEREAS**, resolution 2009-207 authorized change order #1 increasing the contract amount to \$20,331.00; and

**WHEREAS**, change order #2 in the amount of \$6,661.00 is needed to provide for funding of this chemical until December 31, 2009, the end of the contract; and,

**WHEREAS**, this change order will not alter the unit price bid, but will increase the maximum total amount authorized to purchase during the contract period to the total of \$26,992.00; and

**WHEREAS**, the Chief Financial Officer has certified the availability of funds in the 2009 water and sewer budget for this additional expenditure;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that Change Order No. 2 to the contract with Custom Environmental Technology of Collegeville, PA for the provision of ZetaLyte 305CVH is hereby approved to increase the total authorized amount to \$26,922.00.

**Resolution 2009-283, Authorizing a Professional Services Agreement for Water Main Extension (Leshin Lane and Mercer Street) – Roberts Engineering Group, LLC**

Carmella Roberts reviewed the resolution and explained that this agreement is necessary due to the NJEIT financing on the project.

**Resolution 2009-283** was moved by Councilmember Schneider and seconded by Council President Sikorski.

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

Resolution adopted, 6-0

**Resolution 2009-283**

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

**AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT FOR WATER MAIN  
EXTENSION (LESHIN LANE AND MERCER STREET) – ROBERTS ENGINEERING GROUP,  
LLC**

**WHEREAS**, there is a need for an Engineer to perform services connected with the project of the Water Main Extension (Leshin Lane and Mercer Street) to include the planning, bidding, inspections and construction administration necessary to comply with the requirements of the NJEIT; and,

**WHEREAS**, the Borough Engineer has submitted a proposal for these services in an amount not to exceed \$200,000.00; and,

**WHEREAS**, in accordance with the *Revised General Ordinances of the Borough of Hightstown*, Mayor Robert Patten has proposed appointing Roberts Engineering Group. LLC, to perform these duties, subject to the advice and consent of Council.

**NOW, THEREFORE, BE IT RESOLVED** that the Hightstown Borough Council does hereby consent to the Mayor's appointment as listed herein and authorizes the Mayor and Clerk to sign said agreement.

**BE IT FURTHER RESOLVED** that a copy of this resolution shall be forwarded to the Treasurer and Roberts Engineering Group, LLC.

**Resolution 2009-284, Authorizing the Payment of Bills**

**Resolution 2009-284** was moved by Council President Sikorski and seconded by Councilmember Schneider.

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

Resolution adopted, 6-0

**Resolution 2009-284**

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

**AUTHORIZING THE 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

in the amount

of

\$ 2,490,191.71

from the following accounts

Current

W/S Operating

General Capital

\$ 1,549,508.55

275,377.90

487,845.11



W/S Capital	155,819.39
Public Defender	997.04
Trust Account	13,236.66
Grant Account	5,889.65
Animal Control	73.50
Law Enforcement	1,239.91
Housing Trust	204.00
<hr/>	
Total	<u><u>\$ 2,490,191.71</u></u>

**Resolution 2009-285, Determining the Form and Other Details of Not Exceeding \$2,200,000 Water Main Extension Improvements Bonds of the Borough of Hightstown, in the County of Mercer, New Jersey and Providing for their Sale to the New Jersey Environmental Infrastructure Trust and the State of New Jersey Pursuant to the 2009 New Jersey Environmental Infrastructure Trust Financing Program**

**Resolution 2009-285** was moved by Councilmember Schneider and seconded by Council President Sikorski.

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

Resolution adopted, 6-0

**Resolution 2009-285**

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

**DETERMINING THE FORM AND OTHER DETAILS OF NOT EXCEEDING \$2,200,000 WATER MAIN EXTENSION IMPROVEMENTS BONDS OF THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY AND PROVIDING FOR THEIR SALE TO THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST AND THE STATE OF NEW JERSEY PURSUANT TO THE 2009 NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST FINANCING PROGRAM**

**WHEREAS**, the Borough of Hightstown (the "Borough"), in the County of Mercer, New Jersey, has determined that there exists a need within the Borough: (i) to make various water main extension improvements including the replacement of the existing six inch water main extending from Etra Road with a new ten inch DIP water main and the connection of the main to an existing standpipe on Leshin Lane, and (ii) to replace an existing four inch water main along Mercer Street with a new ten inch DIP water main and the connection of the replaced main to a standpipe connected to the Borough's water treatment plant, and (iii) to undertake various other improvements related to the replacement of the Etra Road and Mercer Street mains (the "Project"), as defined in each of that certain Loan Agreement (the "Trust Loan Agreement") to be entered into by and between the Borough and the New Jersey Environmental Infrastructure Trust (the "Trust") and that certain Loan Agreement (the "Fund Loan Agreement", and together with the Trust Loan Agreement, the "Loan Agreements") to be entered into by and between the Borough and the State of New Jersey, acting by and through the New Jersey Department of Environmental Protection (the "State"), all pursuant to the 2009 New Jersey Environmental Infrastructure Trust Financing Program (the "Program");

**WHEREAS**, the Borough has determined to finance the construction and renovation of the Project with the proceeds of a loan to be made by each of the Trust (the "Trust Loan") and the State (the "Fund Loan", and together with the Trust Loan, the "Loans") pursuant to the Trust Loan Agreement and the Fund Loan Agreement, respectively;

**WHEREAS**, to evidence the Loans, each of the Trust and the State require the Borough to authorize, execute, attest and deliver the Borough's Water Main Extension Improvement Bonds to the Trust in an aggregate principal amount not to exceed \$550,000 (the "Trust Loan Bond") and Water Main Extension Improvements Bonds to the State in an aggregate principal amount not to exceed \$1,650,000 (the "Fund Loan Bond", and together with the Trust Loan Bond, the "Bonds"), pursuant to the terms of the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the Revised Statutes of the State of New Jersey (the "Local Bond Law"), other applicable law and the Loan Agreements; and

**WHEREAS**, N.J.S.A. 40A:2-27(a)(2) of the Local Bond Law allows for the sale of the Trust Loan Bond and the Fund Loan Bond to the Trust and the State, respectively, without any public offering, and N.J.S.A. 58:11B-9(a) allows for the sale of the Trust Loan Bond to the Trust, without any public offering, all under the terms and conditions set forth herein; and

**WHEREAS**, in connection with the issuance of the Bonds to the Program, the governing body of the Borough wishes to authorize the execution of certain certificates and opinions as may be required by the Program or Bond Counsel to the Borough (collectively, the "Escrowed Documents") by the Mayor, Chief Financial Officer, Borough Clerk or Deputy Borough Clerk, Counsel to the Borough, Project Engineer or Appraiser and/or Bond Counsel to the Borough (collectively, the "Borough Representatives") on or before the date when the Borough is scheduled to close the loans in escrow with the Program (the "Escrow Closing Date"), such documents to be delivered to Bond Counsel and held by Bond Counsel until such time as they are required to be released by the Program.

**NOW THEREFORE, BE IT RESOLVED** by a 2/3 vote of the full membership of the governing body of the Borough as follows:

**Section 1.** In accordance with N.J.S.A. 40A:2-27(a)(2) of the Local Bond Law and N.J.S.A. 58:11B-9(a), the Borough hereby sells and awards its (a) Trust Loan Bond in an aggregate principal amount not to exceed \$550,000 to the Trust in accordance with the provisions hereof and (b) Fund Loan Bond in an aggregate principal amount not to exceed \$1,650,000 to the State in accordance with the provisions hereof. The Bonds have been referred to an ordinance adopted by Borough Council entitled "Bond Ordinance Providing for Water main Extension Improvements to Various Roads in and by the Borough of Hightstown, in the County of Mercer, New Jersey, Appropriating \$2,200,000 Therefor and Authorizing the Issuance of \$2,200,000 Bonds or Notes of the Borough to Finance Part of the Cost Thereof", and was finally adopted on September 8, 2009, at which times a quorum was present and acted throughout, all pursuant to the terms of the Local Bond Law and other applicable law.

**Section 2.** The Chief Financial Officer of the Borough (the "Chief Financial Officer") is hereby authorized to determine, in accordance with the Local Bond Law and pursuant to the terms and conditions established by the Trust and the State under the Loan Agreements and the terms and conditions hereof, the following items with respect to the Trust Loan Bond and the Fund Loan Bond:

- (a) The aggregate principal amount of the Trust Loan Bond and the Fund Loan Bond to be issued;
- (b) The maturity and annual principal installments of the Bonds, which maturity shall not exceed 20 years;
- (c) The date of the Bonds;
- (d) The interest rates of the Bonds;
- (e) The purchase price for the Bonds; and
- (f) The terms and conditions under which the Bonds shall be subject to redemption prior to their stated maturities.

**Section 3.** Any determination made by the Chief Financial Officer pursuant to the terms hereof shall be conclusively evidenced by the execution and attestation of the Bonds by the parties authorized under Section 4(c) hereof.

**Section 4.** The Borough hereby determines that certain terms of the Bonds shall be as follows:

- (a) The Trust Loan Bond shall be issued in a single denomination and shall be numbered WIE-1. The Fund Loan Bond shall be issued in a single denomination and shall be numbered WEI-2.
- (b) The Bonds shall be issued in fully registered form and shall be payable to the registered owners thereof as to both principal and interest in lawful money of the United States of America; and
- (c) The Bonds shall be executed by the manual or facsimile signatures of the Mayor and the Chief Financial Officer under official seal or facsimile thereof affixed, printed, engraved or reproduced thereon and attested by the manual signature of the Borough Clerk or the Deputy Borough Clerk.

**Section 5.** The Trust Loan Bond and the Fund Loan Bond shall be substantially in the form set forth in the Trust Loan Agreement and the Fund Loan Agreement, respectively.

**Section 6.** The law firm of McManimon & Scotland, L.L.C. is hereby authorized to arrange for the printing of the Bonds, which law firm may authorize McCarter & English, LLP, bond counsel to the Trust and the State for the Program, to arrange for the same. The Borough auditor is hereby authorized to prepare the financial information necessary in connection with the issuance of the Bonds. The Borough Representatives are authorized to execute any certificates necessary or desirable in connection with the financial and other information, including execution of the Escrowed Documents. Bond Counsel is hereby authorized to accept and hold the Escrowed Documents on or before the Escrow Closing Date and to release the same as required by the Program.

**Section 7.** The terms of Bonds authorized to be set forth by the Chief Financial Officer in accordance with Section 2 hereof shall be ratified by the affirmative vote of 2/3 of the full membership of the governing body of the Borough.

**Section 8.** The Mayor and Chief Financial Officer are hereby severally authorized to execute any certificates or documents necessary or desirable in connection with the sale of the Bonds and are further authorized to deliver the same to the Trust and the State upon delivery of the Bonds and the receipt of payment therefor in accordance with the Loan Agreements.

**Section 9.** This resolution shall take effect immediately.

**Section 10.** Upon the adoption hereof, the Borough Clerk shall forward certified copies of this resolution to McManimon & Scotland, L.L.C., bond counsel to the Borough, and Richard T. Nolan, Esq., McCarter & English, LLP, bond counsel to the Trust.

**Resolution 2009-286, Requesting Approval for Insertion of a Special Item of Revenue in the 2009 Budget**

**Resolution 2009-286** was moved by Council President Sikorski and seconded by Councilmember Schneider.

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

Resolution adopted, 6-0

**Resolution 2009-286**

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

**REQUESTING APPROVAL FOR INSERTION OF A SPECIAL ITEM OF REVENUE IN THE 2009 BUDGET**

**WHEREAS**, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

**WHEREAS**, said Director may also approve the insertion of an item of appropriation for equal amount;

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Hightstown hereby request the Director of the Division of Local Government Services to approve the insertion of a special item of revenue and equal appropriation in the budget of the Borough of Hightstown for the year 2009 as follows:

Source	Amount	Revenue Title	Appropriation Title
State of New Jersey Division of Highway Traffic Safety	\$5,000.00	Over the Limit – Under Arrest	Over the Limit – Under Arrest

**Resolution 2009-287, Authorizing the Transfer of Funds in the 2009 Budget**

**Resolution 2009-287** was moved by Council President Sikorski and seconded by Councilmember Theokas.

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

Resolution adopted, 6-0

**Resolution 2009-287**

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

**AUTHORIZING THE 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:****From****To****Administrative and Executive**

9-01-20-100-001-011      Salaries      \$   2,192.00

**Financial Administration**

9-01-20-130-001-011      Salaries      \$1,060.00

9-01-20-130-001-020      Other Expense      \$   130.00

**Grant Writing/Administration**

9-01-20-136-001-020      Other Expense      \$   80.00

**Collection of Taxes**

9-01-20-145-001-011      Salaries      \$   20.00

**Assessment of Taxes**

9-01-20-150-001-011      Salaries      \$   20.00

**Legal**

9-01-20-155-001-020      Other Expense      \$ 5,000.00

**Engineering Services and Costs**

9-01-20-165-001-020      Other Expense      \$   100.00

**Municipal Court**

9-01-20-176-000-011      Salaries      \$   2,400.00

**Police Department**

9-01-25-240-001-011      Salaries      \$ 12,742.00

**Police Fire & Radio Communications**

9-01-25-250-001-011	Salaries	\$ 9,490.00
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**Municipal Prosecutor**

9-01-25-275-001-011	Salaries	\$ 200.00
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**Streets and Road Maintenance**

9-01-26-260-001-020	Other Expense	\$ 1,100.00
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**Sanitation**

9-01-26-305-001-020	Other Expense	\$ 1,525.00
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**Public Buildings and Grounds**

9-01-26-310-001-020	Other Expense	\$ 50.00
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**Vehicle Maintenance**

9-01-26-315-001-020	Other Expense	\$ 1,000.00
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**Community Services Act**

9-01-26-325-001-020	Other Expense	\$ 5,100.00
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**Postage, Shipping and Express**

9-01-30-421-001-020	Other Expense	\$ 130.00
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**Gasoline**

9-01-31-460-001-020	Other Expense	\$ 3,675.00
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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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**Housing Code Enforcement**

9-01-33-195-002-011                      Salaries    \$    1,665.00

**Current Account Sub Totals    \$   25,122.00                      \$ 23,457.00**

**Outside of Caps**

**Health Services-Interlocal**

9-01-43-511-001-011                      Salaries    \$   1,665.00

**Current Account Totals    \$   25,122.00                      \$ 25,122.00**

**Resolution 2009-288, Authorizing An Agreement for CDL Program Administration – Valley Health Medical Group**

**Resolution 2009-288** was moved by Council President Sikorski and seconded by Councilmember Schneider.

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

Resolution adopted, 6-0

**Resolution 2009-288**

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

**AUTHORIZING AN AGREEMENT FOR CDL PROGRAM ADMINISTRATION – VALLEY HEALTH MEDICAL GROUP**

**WHEREAS**, Connor Strong Risk Management Company, the Risk Manager for the Central Jersey Joint Insurance Fund (JIF), will no longer be providing the services of administering the CDL Program for Member Municipalities; and,

**WHEREAS**, Valley Health Medical Group or Paramus, New Jersey was previously providing these services through Connor Strong and has issued an independent contract at the same rate as previously paid through the JIF; and,

**WHEREAS**, pursuant to the Personnel Policy of Hightstown Borough it is required that the CDL program be administered for the health, safety and welfare of the community.

**NOW THEREFORE BE IT RESOLVED**, that the Mayor is hereby authorized to sign an agreement with Valley Health Medical Group for CDL Administration for the year 2010.

**BE IT FURTHER RESOLVED**, that a certified copy of this resolution shall be forwarded to the Public Works Director and Valley Health Medical Group of Paramus, New Jersey.

**Resolution 2009-289, Authorizing Rate Change for the Municipal Court Assistant – Ashleie Gordy**

Council President Sikorski commented that he did not see a need for an increase in this economic climate. The Council would like get more information before moving forward with this resolution.

Councilmember Theokas motioned to table the resolution until they get more information, Councilmember Quattrone seconded. All agreed, this resolution is tabled awaiting further information.

**Resolution 2009-290, Authorizing an Extension to the Agreement for Webmaster Services**

**Resolution 2009-290** was moved by Council President Sikorski and seconded by Councilmember Bond. Discussion followed.

Councilmember Theokas thought that they should investigate the possibility of other options available to the Borough. Councilmember McGinty felt this was a good idea as the Clerk may not have the time to take over this duty now that she will have additional duties; and the comment from the public on this matter reinforces the need to investigate. Councilmember Bond suggested that the Council get a recommendation from the Clerk in the near future.

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

Resolution adopted, 4-2

**Resolution 2009-290**

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

**AUTHORIZING AN EXTENSION TO THE AGREEMENT FOR WEBMASTER SERVICES**

**WHEREAS**, Resolution 2009-214 authorized and agreement with Candace Gallagher for Website Services for the maintenance of the Borough's website at [www.hightstownborough.com](http://www.hightstownborough.com); and,

**WHEREAS**, the contract for said services expires on December 31, 2009; and,

**WHEREAS**, there is a need to extend this contract until February 28, 2010 to permit the new Borough Clerk to complete the course she has enrolled in to enable her to take on the task of Webmaster; and,

**WHEREAS**, the terms in the original agreement shall be in effect during this extension.

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council of Hightstown Borough that the agreement with Candace Gallagher for website Maintenance shall be extended to February 28, 2010 at the terms in the original agreement.

**Resolution 2009-291, Authorizing an Amendment to the Agreement for Professional Legal Services – McLaughlin, Gelson, D'Apolito & Schaffer, LLC**

**Resolution 2009-291** was moved by Council President Sikorski and seconded by Councilmember Theokas.

Councilmember Bond requested that Council receive a detailed accounting of the spending on these services.

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

Resolution adopted, 5-1

**Resolution 2009-291**

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

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

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

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

**WHEREAS**, resolution 2009-238 authorized additional funding in the amount of \$7,842.00, bringing the amount of the contract to \$20,342.00; and,

**WHEREAS**, it has been found that additional funds in the amount of \$5,000.00 will be necessary to complete the services required under the 2009 agreement; and,

**WHEREAS**, the Chief Financial Officer has certified the availability of funds for this expenditure;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the agreement with Richard J. Shaklee, Esq. of the firm McLaughlin, Gelson, D'Apolito & Schaffer, LLC of Wall Township, New Jersey be amended to not exceed \$25,342.00.

**BE IT FURTHER RESOLVED** that a certified copy of this resolution shall be forwarded to McLaughlin, Gelson, D'Apolito & Schaffer, LLC, the Treasurer and contract file.

**Resolution 2009-292, Authorizing the Issuance of Raffle License #RL-213 to Hightstown Engine Co. #1 Ladies Auxiliary**

**Resolution 2009-292** was moved by Council President Sikorski and seconded by Councilmember Schneider.

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

Resolution adopted, 6-0

**Resolution 2009-292**

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

**AUTHORIZING THE ISSUANCE OF RAFFLE LICENSE #RL-213 TO HIGHTSTOWN ENGINE CO. #1  
LADIES AUXILIARY**

**WHEREAS**, the Hightstown Engine Co. #1 Ladies Auxiliary wishes to hold on-premise merchandise 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-213 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-213 to Hightstown Engine Co. #1 Ladies Auxiliary for their merchandise raffles to be held on January 23, April 24, July 24 and October 23, 2010.

**Resolution 2009-294 Accepting Membership of John A. Xenos in Hightstown Engine Co. #1**

**Resolution 2009-294** was moved by Council President Sikorski and seconded by Councilmember Schneider.

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

Resolution adopted, 6-0

**Resolution 2009-294**

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

**ACCEPTING MEMBERSHIP OF JOHN A. XENOS IN HIGHTSTOWN ENGINE CO. #1**

**WHEREAS**, John A. Xenos of Hightstown, New Jersey has applied for membership in Hightstown Engine Company No. 1; and

**WHEREAS** Mr. Xenos has undergone and passed the required physical examination, and his membership application has been reviewed and approved by Fire Chief Lawrence Van Kirk;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the membership of John A. Xenos in Hightstown Engine Company No. 1 is hereby accepted.

**BE IT FURTHER RESOLVED** that a certified copy of this resolution shall be forwarded to Hightstown Engine Co. #1.



**Resolution 2009-295, Authorizing Participation in the Countywide Continuity of Operations (COOP) and Continuity of Government (COG) Planning Made Possible Through 2009 Homeland Security Funding to the County**

**Resolution 2009-295** was moved by Council President Sikorski and seconded by Councilmember Schneider.

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

Resolution adopted, 6-0

**Resolution 2009-295**

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

**AUTHORIZING PARTICIPATION IN THE COUNTYWIDE CONTINUITY OF OPERATIONS (COOP)  
AND CONTINUITY OF GOVERNMENT (COG) PLANNING MADE POSSIBLE THROUGH 2009  
HOMELAND SECURITY FUNDING TO THE COUNTY**

**WHEREAS**, government has a fundamental responsibility to ensure continuity of essential functions across a range of emergencies and events through the development of continuity plans; and,

**WHEREAS**, a completed and fully functional continuity plan for the county and its municipalities will ensure all levels of government can effectively deal with extraordinary circumstances before, during and after any emergency situation; and,

**WHEREAS**, the County of Mercer has been awarded 2009 funding from the State of New Jersey Office of Homeland Security and Preparedness with a portion to be allocated for county and municipal Continuity of Operations (COOP) and Continuity of Government (COG) planning; and,

**WHEREAS**, the allocated funds are to be utilized for consulting services the county will provide for municipalities; and,

**BE IT RESOLVED**, that the Mayor and Council of Hightstown Borough agree to participate in countywide continuity planning.

**BE IT FURTHER RESOLVED** that a certified copy of this resolution be forwarded to Mercer County and the Hightstown Borough OEM Coordinator.

**Resolution 2009-296, Referring Ordinances 2009-28, 2009-29, and 2009-30 Back to the Planning Board for Review**

**Resolution 2009-296** was moved by Council President Sikorski and seconded by Councilmember Quattrone.

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

Resolution adopted, 6-0

**Resolution 2009-296**

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

**REFERRING ORDINANCES 2009-28, 2009-29 AND 2009-30 BACK TO THE PLANNING BOARD FOR  
REVIEW**

**WHEREAS**, the Planning Board referred three (3) ordinances to the Borough Council for consideration; and,

**WHEREAS**, the Borough Council has reviewed the three (3) ordinances under the numbers and titles of: 2009-28, "Amending Chapter 28 "Zoning" of the Revised General Ordinances of the Borough of Hightstown Regarding Portable Toilets"; 2009-29, "Amending Chapter 12-3, "Permits" and Chapter 28, "Zoning" of the Revised General Ordinances of the Borough of Hightstown Regarding Demolition of Buildings and Structures"; 2009-30, "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"; and,

**WHEREAS**, the Borough Council has found that these ordinances need further review and revision by the Planning Board; and,

**WHEREAS**, the Borough Council is referring these ordinances back to the Planning Board for review and revision.

**NOW THEREFORE BE IT RESOLVED** that the Borough Council hereby refers Ordinances 2009-28, 2009-29 and 2009-30 back to the Planning Board for further review and revision.

**BE IT FURTHER RESOLVED**, that a certified copy of this resolution shall be forwarded to the Hightstown Borough Planning Board.

**Resolution 2009-297, Authorizing the Borough of Hightstown to Enter Into a Shared Services Agreement for Solid Waste Collection with the Borough of Roosevelt**

**Resolution 2009-297** was moved by Councilmember Quattrone and seconded by Council President Sikorski.

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

Resolution adopted, 6-0

**Resolution 2009-297**

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

**AUTHORIZING THE BOROUGH OF HIGHTSTOWN TO ENTER INTO A SHARED SERVICES AGREEMENT FOR SOLID WASTE COLLECTION WITH THE BOROUGH OF ROOSEVELT**

**WHEREAS**, the “Uniform Shared Services and Consolidation Act,” N.J.S.A. 40A:65-1 et seq. (the “Act”), authorizes local units of this State to enter into an agreement with any other local unit or units to provide or receive any service that each local unit participating in the agreement is empowered to provide or receive in its own jurisdiction; and

**WHEREAS**, the Borough of Roosevelt (“Roosevelt”) is in need of the provision of solid waste collection services (also referenced as the “services”) for properties located within Roosevelt’s jurisdiction; and

**WHEREAS**, the Borough of Hightstown (“Hightstown”) is willing to assist Roosevelt by providing the services to Roosevelt, under certain terms and conditions; and

**WHEREAS**, in the spirit of inter-municipal cooperation, and in furtherance of the principles underlying the Act, Hightstown and Roosevelt (collectively, the “parties”) have negotiated an Agreement for the shared provision of the services within their respective jurisdictions; and

**WHEREAS**, the terms and conditions of this undertaking are set forth in the attached proposed Shared Services Agreement; and

**WHEREAS**, pursuant to the Shared Services Agreement, Hightstown shall perform the services for Roosevelt for a period commencing on February 1, 2010 and continuing until December 31, 2012; and

**WHEREAS**, the Shared Services Agreement shall become effective once the parties have each duly authorized their proper officials to execute the Agreement, and the Agreement has been so executed; and

**WHEREAS**, Hightstown now wishes to provide its authorization for the Mayor and Borough Clerk to execute the Shared Services Agreement.

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

1. That the Mayor is authorized to execute and the Borough Clerk to attest the attached Shared Services Agreement, or one which is substantially similar thereto and meets with the approval of the Borough Attorney, on behalf of Hightstown.
2. That all other Hightstown Borough officials are hereby authorized and directed to perform such tasks as are necessary to effectuate the intentions set forth in this Resolution and in the Shared Services Agreement.
3. That a certified copy of this Resolution shall be provided to each of the following:
  - (a) Borough of Roosevelt
  - (b) Larry Blake, Director of Hightstown Borough Dept. of Public Works
  - (c) George Lang, Hightstown Borough Chief Financial Officer
  - (d) Arlene O’Rourke, Hightstown Borough Treasurer

(e) Frederick C. Raffetto, Esquire, Hightstown Borough Attorney

Councilmember Schneider motioned to amend the agenda to include the second resolution commending Public Works, Councilmember Quattrone seconded.

Councilmember McGinty commented that she would not be voting for this resolution on the principle that it is not the resolution put forth by the Environmental Commission.

The Mayor called for a Roll Call Vote for the amendment of the agenda.

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

The Agenda is amended to include this additional resolution, 5-1.

**Resolution 2009-299 Recognizing and Commending the Efforts of the Hightstown Department of Public Works, and its Superintendent, Larry Blake, for Encouraging and Assisting in Environmental Initiatives to the Benefit of the Borough of Hightstown**

**Resolution 2009-299** was moved by Councilmember Schneider and seconded by Councilmember Quattrone.

There was discussion regarding having two resolutions that cover the same thing.

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

Resolution adopted, 5-1

**Resolution 2009-299**

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

**RECOGNIZING AND COMMENDING THE EFFORTS OF THE HIGHTSTOWN DEPARTMENT OF PUBLIC WORKS, AND ITS SUPERINTENDENT, LARRY BLAKE, FOR ENCOURAGING AND ASSISTING IN ENVIRONMENTAL INITIATIVES TO THE BENEFIT OF THE BOROUGH OF HIGHTSTOWN**

**WHEREAS**, the Borough of Hightstown's Mayor and Council recognize and proclaim the importance of environmental initiatives to the vitality and future of the Borough; and

**WHEREAS**, the Mayor and Council recognize the efforts of the Hightstown Department of Public Works and its Superintendent, Larry Blake, in undertaking and assisting in environmental initiatives; and

**WHEREAS**, the Mayor and Council aim to take actions that will promote the Borough's efforts to achieve the goals of sustainability through the requirements of the Sustainable Jersey Program; and

**WHEREAS**, the Mayor and Council recognize specific actions taken by the Department to assist the Borough in its environmental efforts; and

**WHEREAS**, the Department assists in the Borough's clean-up activities and initiatives; and

**WHEREAS**, the Department has implemented a program for the collection and disposal of fluorescent light fixtures in an environmentally-friendly manner; and

**WHEREAS**, the Department assists the Environmental Commission to encourage Borough residents' reliance on live Christmas trees which will be collected by Public Works employees, stored under mulch during the winter and then relocated and planted in the Borough at selected sites; and

**WHEREAS**, the Department assists the Environmental Commission in getting residents of other communities to participate in the live Christmas tree initiative by assisting in the collection and relocation of such out-of-Borough trees; and

**WHEREAS**, the Department assists the Environmental Commission in the Borough-wide anti-idling campaign by the

placement of posts upon which the signs can be erected and by the placement of the signs promoting engine-turn-off policies;

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Hightstown recognize and commend the actions taken by the Hightstown Department of Public Works and the leadership of its Superintendent, Larry Blake, to support and to further the environmental initiatives undertaken by the Environmental Commission and the Borough of Hightstown.

### **Discussion**

**Trust Accounts** – There was discussion regarding the possibility of appointing a committee to oversee the trust accounts and it was noted that these are Borough accounts.

**Meeting Dates** – There was discussion regarding canceling the January 4, 2010 meeting and changing the reorganization meeting to the first Monday in January in the future. It was also suggested that the meetings begin at 7:30pm instead of 7:00pm beginning on January 19, 2010.

The Mayor inquired of George Lang, CFO, whether there would be a special meeting necessary to conduct end-of-year business before the end of the year; Mr. Lang responded that there was a need.

Council President Sikorski motioned that the Council meetings begin at 7:30pm, Councilmember McGinty seconded. The Mayor called for a Roll Call vote.

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

The Borough Council meetings for 2010 will begin at 7:30 pm, 6-0

Council President Sikorski motioned to move the Reorganization meeting for 2011 to the first Monday in January rather than holding it on January 1, 2011, Councilmember McGinty seconded.

There was discussion on the matter.

The Mayor called for a Roll Call vote.

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

The Reorganization Meeting will continue to be held on January 1<sup>st</sup> at 12 Noon, 6-0

Council President Sikorski motioned to cancel the meeting of January 4, 2010, Councilmember Bond seconded. The Mayor called for a Roll Call vote.

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

The meeting of January 4, 2010 was cancelled by a 4-2 vote.

Council President Sikorski motioned that a special meeting be held on December 30, 2009 at 6:00pm to conduct end-of year business, Councilmember Schneider seconded. The Mayor called for a Roll Call vote.

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

There will a special meeting on December 30, 2009 at 6:00 pm to conduct end-of-year business by a vote of 6-0

**Citizens Services Act** – The Mayor gave a review of the changes being put in place by the act and there was discussion regarding the process being taken by Hightstown Borough to implement this act. It was confirmed that the vacancies on the present boards are being advertised on the website. It was decided that the Borough Attorney will review the process currently being taken by the Borough to assure full compliance with the Act.

### **Cranbury Station Water Tower – Attorney**

Attorney Raffetto explained that this is for a public utility to expand the size of the area that is currently under lease by T-Mobile at a rate of \$375.00 per month. The previous agreement used by the Borough is the same one that will be used for this lease. They will be required to go to the Planning Board for approvals after the Council votes on signing the lease for the expansion. It was also noted that the Director of Public Works would like to review the lease.

### **Public Comments II**

**Eugene Sarafin** - 628 S. Main St., – he thinks the Borough Clerk is acting like a lawyer, but her term will be up and we can get rid of her. The Council is embarrassing him; they do not have enough sense for consensus building. He is angry and upset with Mayor Patten for his behavior; he needs to encourage consensus building. They made a bad vote on this ordinance tonight.

**Linda Falkowski** – 153 Merchanic St., she asked a lot of questions last meeting and no answers tonight; the Clerk is terrible. The discussion over the ordinance was a bunch of crap and she would like someone who is collecting a salary and taking the notes on what questions are asked to give her a response some time before her life ends.

**Tory Watkins** – 68 Meadow Drive, I think I may have misrepresented Debbie's credentials by stating she is not certified, I apologize, if I was wrong. Thanks for changing the meeting time to 7:30 for next year, and also thanks for keeping with the January 1<sup>st</sup> reorganization meeting. This is a tradition and it should remain the same. Thanks to the Environment5al Commission for recognizing the Public Works Department, but he regrets that it caused a fight over the language in the resolution, common sense is in order.

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

#### **Council Comments**

**Councilmember Theokas** – He explained that he was ill and did not attend the last EDC meeting, so he has no report. He commended the Public Works Department on the great job they did plowing after the snowstorm. Mr. Theokas reminded the public that the Council makes a lot of decisions and they put a lot of thought into it; it is not always unanimous or the most popular decision. We are charged with running the business of the Borough during tough economic times and he stated that the decision tonight was not made lightly.

**Councilmember McGinty** – Quality of Life Committee applications are available and she is interested in speaking with Mr. Bell regarding his possible membership. She is pleased that there will be openness in selecting committee members through the Act. She is hoping that this next year brings clarity on the process of getting things on the agenda. We also need a policy on how to get residents their answers to the questions they pose at the public forums. Ms. McGinty recommended that Mrs. Deal follow up with her Vet for the rabies shots for her dog.

**Councilmember Bond** – None

**Council President Sikorski** – he has received a letter from a resident regarding noise and the NJ Turnpike. He also received a call from a resident that the dog license fees have gotten too high. The three ordinances are being sent back to the Planning Board for reconsideration.

**Councilmember Schneider**- he is glad to be here tonight.

**Councilmember Quattrone** – the First Aid is doing fine, no complaints or problems. Parks and Recreation have a lot going on; they may be looking for someone for their committee. Thanks to Public Works, they always do a great job.

**Borough Clerk** – None

**George Lang, CFO** – None

**Attorney Raffetto** – confirmed that resolution 2009-289 will be tabled until the next meeting since Council did not act on it.

**Mayor Patten** – stated that he does not like the name "Quality of Life" for Isabel's new committee. He reminded the Council that he sets the agenda and Council members should call him to discuss items they want to put on the agenda. The Cheerleaders we honored at the last meeting have won the National Championship, congratulations; they worked very hard to earn the honor of being National Champs.

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 Clerk read the resolution. The Mayor excused Mr. Raffetto from the executive session meeting due to the nature of the discussion.

**Resolution 2009-298** Councilmember Schneider motioned to adopt resolution 2009-298 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 2009-298**

*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 December

21, 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 – Professional Service Appointments**

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: March 21, 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 at approximately 10:20 pm, Councilmember Schneider moved to adjourn the meeting, and Council President Sikorski seconded; the Motion was approved unanimously.

Respectfully Submitted,

Debra L. Sopronyi

Borough Clerk