

Meeting Minutes
Hightstown Borough Council
Regular Meeting
March 7, 2011 6:30 pm

The meeting was called to order by Mayor Kirson at 6:32 pm and he read the Open Public Meetings Act statement which stated, "Adequate notice of this meeting has been given in accordance with the Open Public Meetings Act, pursuant to Public Law 1975, Chapter 231. Said notice was advertised in the *Trenton Times* and the *Windsor-Hights Herald*, and is posted in the Borough Clerk's office."

ROLL CALL

	PRESENT	ABSENT
<i>Councilmember Bibens</i>	✓	
<i>Councilmember Gilmartin</i>	✓	
<i>Councilmember McGinty</i>	✓	
<i>Councilmember Musing</i>		✓
<i>Councilmember Quattrone</i>	✓	
<i>Councilmember Woods</i>	✓	
<i>Mayor Kirson</i>	✓	

Also in attendance: Debra Sopronyi, Borough Clerk; Herbert Massa, Borough Administrator; and Frederick Raffetto, Borough Attorney.

Resolution 2011-53 Executive Session

Councilmember Quattrone moved resolution 2011-53, Councilmember Gilmartin seconded.

Roll Call Vote: Council members Bibens, Gilmartin, McGinty, Quattrone and Woods voted yes.

Resolution adopted, 5-0

Resolution 2011-53

*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 March 7, 2011 at approximately 6:30 pm in the Council Chambers 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 Services (Labor Counsel)

Litigation –Minute Maid

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: June 7, 2011, 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.

Council re-convened into open session at 7:30 pm.

The meeting was called to order by Mayor Kirson at 7:30 pm and he again 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 which had remained the same; George Lang, Chief Financial Officer and Carmela Roberts, Borough Engineer had also joined the public meeting.

Council President McGinty moved that the agenda be amended to add the Chief of Police's report on the gang survey as the first item under presentations; and that if he was not present to give this presentation, an explanation be given as to why not. There was no second to this motion. Councilmember Quattrone then moved the agenda as presented, Councilmember Gilmartin seconded. The Mayor called for a roll call vote to approve the agenda.

Roll Call Vote: Council members Bibens, Gilmartin, Quattrone and Woods voted yes; Council President McGinty, voted no.

Agenda approved, 4-1.

The Mayor then explained that given the importance of the subject, Council should be in full attendance when the presentation on the gang survey takes place and Mr. Musing is not present; therefore the presentation will be at the next meeting.

John Archer, representing the Voices of Hightstown, presented a check in the amount of \$3,505.00 to the Greenway Bridge Committee. This check represented the proceeds from the "Wine and Cheesecake" fundraiser sponsored by the Voices of Hightstown and held at the Hightstown Diner. The Mayor then commented that this is why people live in Hightstown Borough; it is a community we are proud of. The community came together and the Hightstown Diner closed its doors on a Friday night to make this a success. This is a true example of community. He then thanked everyone for their participation. Also present for the presentation were Darek Hahn, Chair of the Greenway Bridge Committee; Mary Stazzone, member of the Voices of Hightstown and the Greenway Bridge Committee; and Terry, owner of the Hightstown Diner.

Mr. Massa; Carmela Roberts, Borough Engineer; and Bill Searing, AWWTP Superintendent; gave a presentation regarding the Waste Water Treatment Plant items in the proposed capital bond ordinance which included a rotary fan press (\$362,700.00), replacing a 1938 stone trickling filter with cross flow media (\$164,000.00), a staff staging area (\$40,000.00), to by-pass and cap two 1938 VCP sewer transmission lines (\$52,000.00), asphalt paving of the truck entrance roadway into the plant from Route 130 (\$150,000.00), emergency gunite repairs of two 1938 secondary storage digesters (\$78,000.00), replacement of a 1990 5/8" opening bar screen (\$225,000.00), replacement of the 1961 primary clarifier cage/drive assembly (\$165,000.00), an affluent sampler (\$4,500.00), blower #1 replacement (\$45,000.00).

At 8:30pm, Council President McGinty requested that the presentation on the bond ordinance be paused so that public comment could be held. The Mayor stated that he thinks the presentation should be completed and that it should not be interrupted for the public comment period. The remainder of Council agreed with the Mayor that the presentation should proceed. The bond ordinance presentation then continued.

Ms. Roberts explained the cost benefits of the sludge press and stated that the payback would be 4 – 8 years, and Mr. Massa gave an explanation of how the sludge could be recycled. Mr. Searing then gave an explanation of the need for the other infrastructure repairs and replacements. There was discussion and Mr. Searing was asked to present Council with a prioritized list of the required improvements. Councilmember Gilmartin suggested that Council schedule a special workshop meeting to discuss the bond ordinance.

The Mayor opened Public Comment Period I and the following individuals spoke during the period: Phyllis Deal, 305 Stockton Street; Pastor Bob Turton, Gospel Mission; Darek Hahn, 102 Manlove and Chairperson of the Greenway Walking Bridge Committee; J. P. Gibbons, 602 S. Main Street; Rob Thibault, 504 S. Main Street; and Gail Doran, 201 Hutchinson Street.

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

Resolution 2011-54 Authorizing the Mayor to Sign Permit Applications for the NJDEP Treatment Works Approval Applications

The Mayor reviewed the need for the resolution and Council President McGinty inquired if this process had already taken place since it was associated with the loan application due today. The Engineer replied that it had and Council President McGinty then inquired of the Borough Engineer as to the exact amount of the permits to which the Engineer replied that she did know the exact amount, it was about \$14,700.00. There was discussion regarding the cost of the permits and that Council was not aware of the costs prior to authorizing the loan application at the last meeting. The Borough Engineer explained that she had contacted Mr. Massa when she determined the amount of the permit fees, and was instructed to move forward and submit the applications. Mr. Massa reviewed Council's authorization for him to administer the loan application process and stated that the amount of the permit fees was unknown at the time of the initial authorization, however there are always permit fees associated with any application; he will pull the application tomorrow if they do not wish to move forward with the NJEIT financing. Discussion continued regarding the lack of notification to the Council regarding the amount of the permit fees for the application.

The Borough Attorney suggested that language may be added to the resolution so it includes the authorization of the payment of permit fee in the "Now therefore" paragraph.

Councilmember Quattrone moved that resolution 2011-54 be amended as suggested by the Borough Attorney, Council President McGinty seconded.

Roll Call Vote: Council members Bibens, Gilmartin, McGinty, Quattrone and Woods voted yes.

Resolution amended, 5-0.

Councilmember Gilmartin moved that resolution 2011-54 as amended, Councilmember Bibens seconded.

Roll Call Vote: Council members Bibens, Gilmartin, McGinty, Quattrone and Woods voted yes.

Resolution adopted, 5-0.

Resolution 2011-54

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

**RESOLUTION AUTHORIZING THE MAYOR TO SIGN PERMIT APPLICATIONS
FOR THE NJDEP TREATMENT WORKS APPROVAL APPLICATIONS**

WHEREAS, Resolution 2011-51 authorized the filing of an application with the New Jersey Department of Environmental Protection and the New Jersey Environmental Infrastructure Trust for improvements to the Hightstown Borough Water and Advanced Waste Water Treatment Plants; and

WHEREAS, it is required that permits be filed for the New Jersey Department of Environmental Protection Treatment Works Approval applications.

NOW, THEREFORE BE IT RESOLVED, that Mayor Steven Kirson is hereby authorized to execute permit

applications for the New Jersey Department of Environmental Protection Treatment Works Approval Permit Applications, and payment for associated permit fees is hereby authorized.

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

Resolution 2011-55 Authorizing the Payment of Bills

Councilmember Gilmartin requested that the Board of Health payment on page 5, Item #4, in the amount of \$93.00 be pulled from the list and voted separately as the payee is a family member and she feels she has a conflict of interest regarding this payment.

Councilmember Quattrone moved resolution 2011-55 with exception to the invoice as requested, Councilmember Gilmartin seconded.

Roll Call Vote: Council members Bibens, Gilmartin, McGinty, Quattrone and Woods voted yes.

Resolution adopted, 5-0

Resolution 2011-55

Council President McGinty then moved the Board of Health invoice that was pulled from the bill list, Councilmember Quattrone seconded.

Roll Call Vote: Council members Bibens, McGinty, Quattrone and Woods voted yes; Councilmember Gilmartin abstained.

Invoice paid, 4-0.

Resolution 2011-56 Authorizing Emergency Temporary Appropriation Prior to Adoption of the 2011 Budget

Councilmember Quattrone moved resolution 2011-56, Councilmember Woods seconded.

Roll Call Vote: Council members Bibens, Gilmartin, McGinty, Quattrone and Woods voted yes.

Resolution adopted, 5-0

Resolution 2011-56

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

**AUTHORIZING EMERGENCY TEMPORARY APPROPRIATIONS
PRIOR TO ADOPTION OF THE 2011 BUDGET**

WHEREAS, an emergent condition has arisen with respect to inadequate appropriation balances remaining in some line items of the 2011 temporary budget; and

WHEREAS, N.J.S.A. 40A:4-20 provides for the creation of emergency appropriations for the purposes above mentioned; and

WHEREAS, it is the desire of the Mayor and Council to create emergency temporary appropriations as set forth on Schedule "A," attached; and

WHEREAS, the total emergency temporary appropriations in resolutions adopted in the year 2011 pursuant to the provisions of N.J.S.A. 40A:4-20 (Chapter 96, P.L. 1951, as amended), including this resolution, total:

	<i>THIS RESOLUTION</i>	<i>PREVIOUS TOTAL</i>	<i>CUMULATIVE TOTAL</i>
Current	30,000.00	65,525.00	95,525.00
Capital Outlay – Current	0.00	0.00	0.00
Debt Service - Current	0.00	0.00	0.00
Water/Sewer	100,000.00	283,500.00	383,500.00
Capital Outlay – W/S	0.00	0.00	0.00
Debt Service - W/S	0.00	0.00	0.00
TOTAL	130,000.00	349,025.00	479,025.00

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Hightstown (not less than two-thirds of all the members of thereof affirmatively concurring) that, in accordance with N.J.S.A. 40A:4-20:

1. An emergency temporary appropriation is hereby made for each item listed on the schedules that are attached hereto and made a part hereof.
2. Each emergency appropriation listed will be provided for in the 2011 budget under the same title as written herein;
3. One certified copy of this resolution will be filed with the Director of Local Government Services, and a copy provided to the Acting Treasurer.

Resolution 2011-57 Authorizing the Grant Agreement Between Hightstown Borough and the New Jersey Department of Environmental Protection – 2011 Green Communities Grant

Councilmember Quattrone moved resolution 2011-57, Councilmember Gilmartin seconded.

There was discussion.

Roll Call Vote: Council members Bibens, Gilmartin, McGinty, Quattrone and Woods voted yes.

Resolution adopted, 5-0

Resolution 2011-57

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

**GRANT AGREEMENT
BETWEEN
HIGHTSTOWN BOROUGH
AND
THE STATE OF NEW JERSEY
BY AND FOR
THE DEPARTMENT OF ENVIRONMENTAL PROTECTION**

GRANT IDENTIFIER: PF11-073

The governing body of Borough of Hightstown

(print Grantee's name)

desires to further the public interest by obtaining a grant from the State of New Jersey in the amount of approximately \$3,000.00 to fund the following project:

2011 Green Communities Grant

Community Forestry Management Plan

Therefore, the governing body resolves that
to the office of _____

Robert F. Patten

or the successor

(print name)

Mayor _____ is authorized (a) to make application for such a grant, (b) if
awarded, to execute _____

(print title of authorized official)

a grant agreement with the State for a grant in an amount not less than \$3,000.00 and not more than \$3,000.00,
and (c) to execute ☐ any amendments thereto ☒ any amendments thereto which do not increase the Grantee's
obligations.

*The Hightstown Borough Council authorizes and hereby agrees to
(print name of Grantee's governing body, e.g., board of chosen freeholders)

match 33.3% of the Total Project Amount, in compliance with the match requirements of the agreement. The
availability of the match for such purposes, whether cash, services, or property, is hereby certified. 100% of the
match will be made up of in-kind services (if allowed by grant program requirements and the agreement).*

The Grantee agrees to comply with all applicable federal, State, and municipal laws, rules, and regulations in its
performance pursuant to the agreement.

Introduced and passed March 7, 2011

Ayes: 5

Nays: 0

Absent: 1

Resolution 2011-58 Authorizing a Shared Services Agreement for Senior Services – East Windsor Township

Councilmember Quattrone moved resolution 2011-58, Council President McGinty seconded.

The Borough Attorney noted that language in the agreement reads "Interlocal Services" however the language in the
law now reads "Shared Services".

Roll Call Vote: Council members Bibens, Gilmartin, McGinty, Quattrone and Woods voted yes;

Resolution adopted, 5-0.

Resolution 2011-58

BOROUGH OF HIGHTSTOWN

COUNTY OF MERCER

STATE OF NEW JERSEY

AUTHORIZING RENEWED SHARED SERVICES AGREEMENT WITH EAST WINDSOR TOWNSHIP FOR SENIOR SERVICES

WHEREAS, with the adoption of Resolution 2010-54 on February 16, 2010, the Borough Council approved a
Shared Services Agreement with the Township of East Windsor for the provision of Senior Services for the period
March 1, 2010 through February 28, 2011; and

WHEREAS, the parties desire to enter into a successor agreement to continue the provision of Senior Services
to the Borough by the Township of East Windsor through February 29, 2012; and

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40:65-1 et seq. authorizes the
approval of Shared Services Agreements by Resolution; and

WHEREAS, the Mayor and Council have reviewed the proposed Shared Services Agreement for Senior Services for the period March 1, 2011 through February 29, 2012; and

WHEREAS, the Borough's net share of costs for these services, by the terms of this agreement, will be Twenty-Four Thousand Seven Hundred Twenty-Five Dollars and Seventy-Seven Cents (\$24,725.77) for this 12-month period; and

WHEREAS it is the intention of the Mayor and Council to provide adequate funding for this expenditure in the 2011 and 2012 budgets;

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

1. The Shared Services Agreement with the Township of East Windsor for Senior Services for the period March 1, 2011 through February 29, 2012 is hereby approved, in accordance with the provisions of N.J.S.A. 40:65-1 et seq..
2. The Mayor and Borough Clerk are hereby authorized and directed to execute the agreement for same.
3. This agreement is approved subject to the provision of adequate funds in the Borough's 2011 and 2012 budgets.

Resolution 2011-59 Opposing A-3766/S-2664 "Market Competition and Consumer Choice Act"

Councilmember Gilmartin moved resolution 2011-59 Councilmember Quattrone seconded.

The Mayor gave a brief explanation that these bills as written eliminate the requirement that free cable service be provided to schools and municipal facilities, they need to be revised.

Roll Call Vote: Council members Bibens, Gilmartin, McGinty, Quattrone and Woods voted yes.

Resolution adopted, 5-0

Resolution 2011-59

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

OPPOSING A-3766/S-2664 "MARKET COMPETITION AND CONSUMER CHOICE ACT"

WHEREAS, this act would fundamentally alter the regulation of telephone and cable television service in New Jersey; and

WHEREAS, A3766/S2664 changes are so sweeping it deserves deliberate review and analysis, and must not be fast-tracked; and

WHEREAS, among other things, A3766/S2664 limits the obligation of a cable company to provide cable and internet connections to municipal buildings. Currently all municipal buildings are eligible for this benefit but the bill would limit the obligation to just one municipal building; and

WHEREAS, A3766/S2664 would eliminate the requirement that cable companies provide basic service and internet to municipal buildings and schools at no charge; and

WHEREAS, A3766/S2664 does not require the cable companies to provide a return feed to allow cable-casting of live municipal events and meetings; and

WHEREAS, A3766/S2664 would reduce the franchise fee payable by certain cable companies that have converted from a traditional franchise to a system-wide franchise; and

WHEREAS, A3766/S2664 does not require cable companies to meet or surpass any existing line extension policy or to meet any applicable consumer protection requirements, all of which are required by the current law; and

WHEREAS, The proposed verification process for determining whether a company is operating in a “competitive franchise area” is inadequate; and

WHEREAS, the proposed process for renewal of a system-wide franchise must be corrected to require that the renewal be under the same terms and conditions as the original franchise; and

WHEREAS, A3766/S2664 eliminates the right of a municipality operating under a municipal-consent based franchise to petition the BPU for a higher franchise fee;

NOW THEREFORE BE IT RESOLVED that the Mayor and Borough Council of Hightstown Borough, calls on the legislature to amended S-2664 A-3766 to ensure that all the commitments of NJSA 48:5A-28 be provided (a) upon application for a system-wide franchise, (b) upon renewal of a system-wide franchise and (c) upon conversion of a municipal-consent based franchise to a system-wide franchise; and

BE IT FURTHER RESOLVED that the Mayor and Borough Council of Hightstown Borough strongly urges the legislature to oppose A3766/S2664 until such amendments are made and there has been an opportunity for all stakeholders to fully analyze the impact of these proposals and determine the fiscal impact of the bill on municipalities throughout the state; and that copies of this resolution be forwarded to Governor Christie, our State senator, our representatives in the General Assembly and the New Jersey League of Municipalities.

Consent Agenda – Resolutions 2011-60, 2011-61, 2011-62, 2011-63, 2011-64, 2011-65, 2011-66 and 2011-68

Councilmember Quattrone suggested that resolutions 2011-60 through 2011-68 be voted as a consent agenda. The Borough Attorney stated that Councilmember Woods had inquired as to whether she should abstain from voting on resolution 2011-67 because of her teaching position at the school and he suggests that she do so. Therefore, resolution 2011-67 should be pulled from the consent agenda and voted separately.

Councilmember Quattrone moved 2011-60 through 2011-66, and resolution 2011-68 as a consent agenda, Council President McGinty seconded.

Roll Call Vote: Council members Bibens, Gilmartin, McGinty, Quattrone and Woods voted yes.

Resolutions adopted, 5-0

Resolution 2011-60

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

**AUTHORIZING AN AGREEMENT FOR PROFESSIONAL AUDITING SERVICES –
WILLIAM E. ANTONIDES AND COMPANY**

WHEREAS, there exists a need for municipal auditing services during 2011 pertaining to the 2010 financial records of the Borough of Hightstown; and,

WHEREAS, the Borough Council has appointed William E. Antonides, C.P.A., of the firm William E. Antonides and Company of Wall, New Jersey, as Borough Auditor by resolution 2011-16 adopted by the Borough Council on January 3, 2011; and

WHEREAS, the cost for the proposed services shall not exceed \$28,000.00 without further approval by the Borough Council; and,

WHEREAS, funds for this purpose will be made available in the 2011 budget; and,

WHEREAS, the Borough Attorney shall review said contracts prior to execution; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for “professional services” without public advertising for bids and bidding, provided that the Resolution authorizing the contract and the contract itself are available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality; and

WHEREAS, it has been determined that the value of this contract may exceed \$17,500, and therefore the contract is also subject to the provisions of the State’s Local Unit Pay-to-Play Law, N.J.S.A. 19:44A-20.4, *et seq.*; and

WHEREAS, the anticipated term of this contract is for one (1) year, and it may only be renewed upon further action of the Borough Council; and

WHEREAS, this contract is intended to be awarded as a “non-fair and open contract” pursuant to and in accordance with the Local Unit Pay-to-Play Law;

WHEREAS, William E. Antonides and Company has completed and submitted a Business Entity Disclosure Certification pursuant to the Local Unit Pay-to-Play law (specifically, at N.J.S.A. 19:44A-20.8), and has further submitted a certification that the firm is in compliance with the Borough’s own Pay-to-Play ordinance (Section 2-59 of the *Revised General Ordinances of the Borough of Hightstown*);

NOW, THEREFORE, BE AND IT IS HEREBY 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 an Agreement between the Borough of Hightstown and William E. Antonides regarding the above-referenced professional auditing services, as set forth herein.
2. That this contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because William E. Antonides and Company is a firm authorized by law to practice a recognized profession.
3. That this contract is being awarded in accordance with the Local Unit Pay-to-Play Law and Section 2-59 of the *Revised General Ordinances of the Borough of Hightstown*, and the Business Disclosure Entity Certification, and other certifications required pursuant to same shall be placed on file with the contract.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be forwarded to William E. Antonides, Borough Auditor; George Lang, Chief Financial Officer; and the Contract File.

Resolution 2011-61

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

**AUTHORIZING AN AGREEMENT FOR PROFESSIONAL LEGAL SERVICES –
FREDERICK C. RAFFETTO, ESQ.**

WHEREAS, there exists the need for professional legal services for 2011 pertaining to general municipal, water and sewer, redevelopment and litigation/union matters; and

WHEREAS, Frederick C. Raffetto, Esq., of the firm Ansell Grimm & Aaron, 1500 Lawrence Avenue, Ocean,

New Jersey, was appointed Borough Attorney by resolution adopted by the Borough Council on January 3, 2010; and

WHEREAS, the cost for the proposed services, with the exclusion of escrow and other funds as posted from outside sources, shall not exceed \$75,000.00 without further approval by the Borough Council; and,

WHEREAS, funds for this purpose will be made available in the 2011 budget; and,

WHEREAS, the Borough Attorney shall review said contracts prior to execution; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "professional services" without public advertising for bids and bidding, provided that the Resolution authorizing the contract and the contract itself are available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality; and

WHEREAS, it has been determined that the value of this contract (including charges to escrow posted by outside sources) may exceed \$17,500, and therefore the contract is also subject to the provisions of the State's Local Unit Pay-to-Play Law, N.J.S.A. 19:44A-20.4, *et seq.*; and

WHEREAS, the anticipated term of this contract is for one (1) year, and it may only be renewed upon further action of the Borough Council; and

WHEREAS, this contract is intended to be awarded as a "non-fair and open contract" pursuant to and in accordance with the Local Unit Pay-to-Play Law;

WHEREAS, Ansell, Grimm & Aaron has completed and submitted a Business Entity Disclosure Certification pursuant to the Local Unit Pay-to-Play law (specifically, at N.J.S.A. 19:44A-20.8), and has further submitted a certification that the firm is in compliance with the Borough's own Pay-to-Play ordinance (Section 2-59 of the *Revised General Ordinances of the Borough of Hightstown*);

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

4. That the Mayor is authorized to execute and the Borough Clerk to attest an Agreement between the Borough of Hightstown and Frederick Raffetto, Esq. regarding the above-referenced professional legal services, as set forth herein.
5. That this contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because Ansell, Grimm & Aaron is a firm whose attorneys are authorized by law to practice a recognized profession.
6. That this contract is being awarded in accordance with the Local Unit Pay-to-Play Law and Section 2-59 of the *Revised General Ordinances of the Borough of Hightstown*, and the Business Disclosure Entity Certification, and other certifications required pursuant to same shall be placed on file with the contract.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be forwarded to Frederick Raffetto, Esq., Borough Attorney; George Lang, Chief Financial Officer; and the Contract File.

Resolution 2011-62

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

AUTHORIZING AN AGREEMENT FOR PROFESSIONAL ENGINEERING

SERVICES – ROBERTS ENGINEERING GROUP LLC

WHEREAS, there exists a need for municipal engineering services during 2011; and,

WHEREAS, the Borough Council has appointed Carmela Roberts of the firm Roberts Engineering Group LLC, Hamilton Square, New Jersey, as Borough Engineer by resolution 2011-16 adopted by the Borough Council on January 3, 2011; and

WHEREAS, the cost for the proposed services shall not exceed \$42,000.00 without further approval by the Borough Council; and,

WHEREAS, funds for this purpose will be made available in the 2011 budget; and,

WHEREAS, the Borough Attorney shall review said contracts prior to execution; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for “professional services” without public advertising for bids and bidding, provided that the Resolution authorizing the contract and the contract itself are available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality; and

WHEREAS, it has been determined that the value of this contract (including charges to escrow posted by outside sources) may exceed \$17,500, and therefore the contract is also subject to the provisions of the State’s Local Unit Pay-to-Play Law, N.J.S.A. 19:44A-20.4, *et seq.*; and

WHEREAS, the anticipated term of this contract is for one (1) year, and it may only be renewed upon further action of the Borough Council; and

WHEREAS, this contract is intended to be awarded as a “non-fair and open contract” pursuant to and in accordance with the Local Unit Pay-to-Play Law;

WHEREAS, Roberts Engineering Group LLC has completed and submitted a Business Entity Disclosure Certification pursuant to the Local Unit Pay-to-Play law (specifically, at N.J.S.A. 19:44A-20.8), and has further submitted a certification that the firm is in compliance with the Borough’s own Pay-to-Play ordinance (Section 2-59 of the *Revised General Ordinances of the Borough of Hightstown*);

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

7. That the Mayor is authorized to execute and the Borough Clerk to attest an Agreement between the Borough of Hightstown and Roberts Engineering Group LLC regarding the above-referenced professional engineering services, as set forth herein.
8. That this contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because Roberts Engineering Group LLC is a firm authorized by law to practice a recognized profession.
9. That this contract is being awarded in accordance with the Local Unit Pay-to-Play Law and Section 2-59 of the *Revised General Ordinances of the Borough of Hightstown*, and the Business Disclosure Entity Certification, and other certifications required pursuant to same shall be placed on file with the contract.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be forwarded to Carmela Roberts, Borough Engineer; George Lang, Chief Financial Officer; and the Contract File.

Resolution 2011-63

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

**AUTHORIZING AN AGREEMENT FOR PROFESSIONAL PLANNING SERVICES –
TAMARA LEE CONSULTING, LLC**

WHEREAS, there exists a need for municipal planning services during 2011 for the Borough of Hightstown; and,

WHEREAS, the Borough Council has appointed Tamara Lee Consulting, LLC of Hopewell, New Jersey, as Borough Planner by resolution 2011-16 adopted by the Borough Council on January 3, 2011; and

WHEREAS, the cost for the proposed services shall not exceed \$10,000.00 without further approval by the Borough Council; and,

WHEREAS, funds for this purpose will be made available in the 2011 budget; and,

WHEREAS, the Borough Attorney shall review said contracts prior to execution; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for “professional services” without public advertising for bids and bidding, provided that the Resolution authorizing the contract and the contract itself are available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality; and

WHEREAS, it has been determined that the value of this contract (including charges to escrow posted by outside sources) may exceed \$17,500, and therefore the contract is also subject to the provisions of the State’s Local Unit Pay-to-Play Law, N.J.S.A. 19:44A-20.4, *et seq.*; and

WHEREAS, the anticipated term of this contract is for one (1) year, and it may only be renewed upon further action of the Borough Council; and

WHEREAS, this contract is intended to be awarded as a “non-fair and open contract” pursuant to and in accordance with the Local Unit Pay-to-Play Law;

WHEREAS, Tamara Lee Consulting, LLC has completed and submitted a Business Entity Disclosure Certification pursuant to the Local Unit Pay-to-Play law (specifically, at N.J.S.A. 19:44A-20.8), and has further submitted a certification that the firm is in compliance with the Borough’s own Pay-to-Play ordinance (Section 2-59 of the *Revised General Ordinances of the Borough of Hightstown*);

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

10. That the Mayor is authorized to execute and the Borough Clerk to attest an Agreement between the Borough of Hightstown and Tamara Lee Consulting LLC regarding the above-referenced professional planning services, as set forth herein.
11. That this contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because Tamara Lee Consulting, LLC is a firm who is authorized by law to practice a recognized profession.
12. That this contract is being awarded in accordance with the Local Unit Pay-to-Play Law and Section 2-59 of the *Revised General Ordinances of the Borough of Hightstown*, and the Business Disclosure Entity Certification, and other certifications required pursuant to same shall be placed on file with the contract.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be forwarded to Tamara Lee, Planner; George Lang, Chief Financial Officer; and the Contract File.

Resolution 2011-64

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

**AUTHORIZING AN AGREEMENT FOR PROFESSIONAL BOND COUNSEL
SERVICES – MCMANIMON & SCOTLAND, LLC**

WHEREAS, there exists the need for specialized legal services relative to bonding, financial and redevelopment matters during 2011; and

WHEREAS, the Borough Council has appointed Edward J. McManimon III of Newark, New Jersey as Bond Counsel by resolution 2011-16 adopted by the Borough Council on January 3, 2011; and

WHEREAS, the cost for the proposed services shall not exceed \$5,000.00 without further approval by the Borough Council; and,

WHEREAS, funds for this purpose will be made available in the 2011 budget; and,

WHEREAS, the Borough Attorney shall review said contracts prior to execution; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for “professional services” without public advertising for bids and bidding, provided that the Resolution authorizing the contract and the contract itself are available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality; and

WHEREAS, it has been determined that the value of this contract may exceed \$17,500, and therefore the contract is also subject to the provisions of the State’s Local Unit Pay-to-Play Law, N.J.S.A. 19:44A-20.4, *et seq.*; and

WHEREAS, the anticipated term of this contract is for one (1) year, and it may only be renewed upon further action of the Borough Council; and

WHEREAS, this contract is intended to be awarded as a “non-fair and open contract” pursuant to and in accordance with the Local Unit Pay-to-Play Law;

WHEREAS, McManimon & Scotland, LLC has completed and submitted a Business Entity Disclosure Certification pursuant to the Local Unit Pay-to-Play law (specifically, at N.J.S.A. 19:44A-20.8), and has further submitted a certification that the firm is in compliance with the Borough’s own Pay-to-Play ordinance (Section 2-59 of the *Revised General Ordinances of the Borough of Hightstown*);

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

13. That the Mayor is authorized to execute and the Borough Clerk to attest an Agreement between the Borough of Hightstown and Edward J. McManimon III regarding the above-referenced professional bond counsel services, as set forth herein.
14. That this contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because McManimon & Scotland, LLC is a firm whose attorneys are authorized by law to practice a recognized profession.

15. That this contract is being awarded in accordance with the Local Unit Pay-to-Play Law and Section 2-59 of the *Revised General Ordinances of the Borough of Hightstown*, and the Business Disclosure Entity Certification, and other certifications required pursuant to same shall be placed on file with the contract.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be forwarded to Edward J. McManimon III, Bond Counsel; George Lang, Chief Financial Officer; and the Contract File.

Resolution 2011-65

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

**AUTHORIZING AN AGREEMENT FOR MUNICIPAL PROSECUTOR SERVICES –
ROBERT H. YOSTEMBSKI, ESQ.**

WHEREAS, there exists the need for municipal prosecutor services for 2011 pertaining to Municipal Court matters; and

WHEREAS, Robert H. Yostembski, Esq. of Trenton, New Jersey, was appointed Municipal Prosecutor by resolution 2011-16 adopted by the Borough Council on January 3, 2011; and

WHEREAS, the cost for the proposed services shall not exceed \$5,000.00 without further approval by the Borough Council; and,

WHEREAS, funds for this purpose will be made available in the 2011 budget; and,

WHEREAS, the Borough Attorney shall review said contracts prior to execution; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for “professional services” without public advertising for bids and bidding, provided that the Resolution authorizing the contract and the contract itself are available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality; and

WHEREAS, it has been determined that the value of this contract (including charges to escrow posted by outside sources) may exceed \$17,500, and therefore the contract is also subject to the provisions of the State’s Local Unit Pay-to-Play Law, N.J.S.A. 19:44A-20.4, *et seq.*; and

WHEREAS, the anticipated term of this contract is for one (1) year, and it may only be renewed upon further action of the Borough Council; and

WHEREAS, this contract is intended to be awarded as a “non-fair and open contract” pursuant to and in accordance with the Local Unit Pay-to-Play Law;

WHEREAS, Robert H. Yostembski has completed and submitted a Business Entity Disclosure Certification pursuant to the Local Unit Pay-to-Play law (specifically, at N.J.S.A. 19:44A-20.8), and has further submitted a certification that the firm is in compliance with the Borough’s own Pay-to-Play ordinance (Section 2-59 of the *Revised General Ordinances of the Borough of Hightstown*);

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

16. That the Mayor is authorized to execute and the Borough Clerk to attest an Agreement between the Borough of Hightstown and Robert H. Yostembski, Esq. regarding the above-referenced professional municipal prosecutor services, as set forth herein.

17. That this contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because Robert H. Yostembski is an attorney authorized by law to practice a recognized profession.
18. That this contract is being awarded in accordance with the Local Unit Pay-to-Play Law and Section 2-59 of the *Revised General Ordinances of the Borough of Hightstown*, and the Business Disclosure Entity Certification, and other certifications required pursuant to same shall be placed on file with the contract.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be forwarded to Robert H. Yostembski, Esq., Municipal Prosecutor; George Lang, Chief Financial Officer; and the Contract File.

Resolution 2011-66

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

AUTHORIZING REFUND OF TAX OVERPAYMENT

WHEREAS, an overpayment of taxes was made for the fourth quarter 2010 property taxes for Block 44, Lot 14 in the Borough of Hightstown; and

WHEREAS, the property owners, John Hostetler and Elizabeth Morley of 309 Stockton Street, have requested that a refund be issued to them for the overpayment in the amount of \$817.94; 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 \$817.94 to John Hostetler and Elizabeth Morley of 309 Stockton Street, representing their tax overpayment as set forth herein

. Resolution 2011-68

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

**AUTHORIZING ISSUANCE OF RAFFLE LICENSE #RL-2011-006 TO
ST. ANTHONY OF PADUA R. C. CHURCH**

WHEREAS, the St. Anthony of Padua R. C. Church wishes to hold an off-premise merchandise raffle at the St. Anthony of Padua R. C. Church, 251 Franklin Street, on May 22, 2011; and

WHEREAS, the group has submitted application number RA-2011-006 for this raffle along 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-2011-006 to St. Anthony of Padua R. C. Church for their off-premise merchandise to be held on May 22, 2011.

Resolution 2011-67 Authorizing the Issuance of a Raffle License – Hightstown High School Music Boosters Association

Council President McGinty moved resolution 2011-67, Councilmember Quattrone seconded.

Roll Call Vote: Council members Bibens, Gilmartin, McGinty, and Quattrone Woods voted yes; Councilmember Woods abstained.

Resolution adopted, 4-0

Resolution 2011-67

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

**AUTHORIZING ISSUANCE OF RAFFLE LICENSE #RL-2011-005 TO
HIGHTSTOWN HIGH SCHOOL MUSIC BOOSTERS ASSOCIATION**

WHEREAS, the Hightstown High School Music Boosters wishes to hold on-premise 50/50 raffles at the Hightstown High School, 25 Leshin Lane, on March 28, 2011, May 18, 2011, May 26, 2011 and June 7, 2011; and

WHEREAS, the group has submitted application number RA-2011-005 for this raffle; 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-2011-005 to Hightstown High School Music Boosters for their on-premise 50/50 raffles to be held on March 28, 2011, May 18, 2011, May 26, 2011 and June 7, 2011*

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

Mr. Massa informed Council that the departmental monthly reports on Revised General Ordinances of the Borough of Hightstown enforcement have been distributed. Council President McGinty commented that she would like the Police Chief available at the next meeting to discuss the reports and police activity.

The Mayor opened Public Comment Period II and the following individuals spoke during the period: Rob Thibault, 504 S. Main Street; Susan Bluth, 42 Dennis Court; and Scott Caster, 12 Clover Lane.

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

Council/Mayor/Administrative Comments

Councilmember Woods – commented that she agrees that a special workshop meeting should be held to review the bond ordinance. She also assured the public, that as the Liaison to the Water and Sewer Departments, there will be no rubber stamping of improvements in these areas.

Councilmember Gilmartin –advised that a special workshop meeting to discuss the bond ordinance is important so Council can review it line by line. She also expressed disappointment that the Chief did not give the presentation on the gang survey, however she looks forward to seeing it at the next meeting. She commented that the Greenway Bridge has brought the community together and thanked everyone who has assisted in their fundraising efforts.

Councilmember Quattrone – stated that he has participated in an audit regarding trash and recycling and has found that the cost for these services has risen slightly due to a rise in the recycling tax, but he found it comparable with last year; Public Works is going to try to hold a yard debris pick-up, the date is forthcoming and the inventory of salt and sand should be fine for the remainder of the season. The First Aid is doing fine and the Fire Department will meet Thursday. The need to get well #3 up and running is an urgent one, we need to move forward so the meeting regarding the bond ordinance is needed soon. He continued that he is disappointed that the press was not present at this meeting to publicize the good things in Hightstown. The diner did a great job and the bridge is pulling the community together, there is positive movement in Hightstown.

Council President McGinty – commented that she understands that the Stonybrook Watershed will do a presentation at the next meeting. She expressed that the Council needs to look at the capital projects by prioritizing them; she does not want to see a repeat of what occurred with the permit fees. Council President McGinty feel that the public comment period should be held within the first hour of the meeting and that the public should wait until the public comment period is opened prior to making any comments. She commented that it has been 28 days since the gang report was released and Council, nor the public, has received any information yet and she finds it distressing. She went on to state that, as Council President, she wants to be informed as to what is on the agenda and asks that materials for the meeting be made available prior to and she wants to participate in the formation of the agenda. She then commented that the Memorial Parking Lot is difficult to navigate and she has spoken with the Borough Engineer regarding the matter; meetings on the parking lot need to be held before the lot is permanently paved.

Councilmember Bibens – commented that she met with Bill Searing and found it to be an enlightenment regarding the capital items needed for the waste water plant; she feels the Council should rely on Mr. Searing's expertise and experience when deciding what projects should be completed at the plant. She stated that we need to focus on the positive in the community and that she is looking forward to the Chief's report regarding the gang survey. She commented that maybe a letter should be sent to the press regarding their absence from the meeting.

Councilmember Woods – stated that the priority lists are included in Council packets.

Mayor Kirson – commented that the presentation by Mr. Searing was good, Council will need to present a three year capital budget plan with the budget so they should be working with the Department Heads in order to be prepared; the presentation was an important one and very informative. The permit fee surprise was unacceptable and should not happen again. The Greenway Bridge Committee has done a great job and it was a very nice gesture for the diner to close its doors for this fundraiser. We live in a great community.

Council President McGinty – commented that Hightstown Borough is criticizing the press for not attending this meeting, however this is a very delicate situation and the press decides what is important. She does not support sending them a letter, let them do their job.

Councilmember Woods moved to adjourn the meeting at 10:25pm and Councilmember Gilmartin seconded; the Motion was approved unanimously.

Respectfully Submitted,

Debra L. Sopronyi

Borough Clerk