

Meeting Minutes
Hightstown Borough Council
Regular Meeting
April 26, 2011 6:30 pm

The meeting was called to order by Mayor Kirson at 6:35 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>	RESIGNED	
<i>Councilmember Quattrone</i>	✓	
<i>Councilmember Woods</i>	✓	
<i>Mayor Kirson</i>	✓	

Also in attendance: Debra Sopronyi, Borough Clerk; Frederick Raffetto, Borough Attorney; Phil Nettl, Special Labor Counsel.

Resolution 2011-113 Executive Session

Councilmember Quattrone moved resolution 2011-113, Councilmember Gilmartin seconded.

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

Resolution adopted, 5-0

Resolution 2011-113

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 April 26, 2011 at approximately 6:30 pm in 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 – Labor Counsel & Chief of Police

Litigation - Lasky

Attorney – Client Privilege

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: July 26, 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 7:40 pm.

The meeting was called to order by Mayor Kirson at 7:43 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; Carmela Roberts, borough Engineer; and George Lang, Chief Financial Officer had also joined the public meeting at this time.

Councilmember Gilmartin requested that the agenda be amended to add the Defense and Indemnification Ordinance to discussion and resolution 2011-130 regarding volunteers. Councilmember Quattrone moved the agenda as amended, Councilmember Gilmartin seconded. Council President McGinty abstained from voting, the remainder of Council voted yes. The agenda was approved as amended.

Councilmember Quattrone moved the minutes of the March 21, 2011 open session for approval, Councilmember Gilmartin seconded. All approved.

Council President McGinty requested that the minutes of the March 21, 2011 executive session be tabled until the May 2nd meeting. Councilmember Quattrone moved to table the March 21, 2011 executive session minutes, Councilmember Gilmartin seconded. All ayes. The approval of these minutes has been tabled until the May 2nd meeting.

Councilmember Quattrone moved the minutes of the March 28, 2011 open session for approval, Councilmember Woods seconded. All approved.

Council President McGinty requested that the minutes of the March 28, 2011 executive session be tabled until the May 2nd meeting. Councilmember Quattrone moved to table the March 21, 2011 executive session minutes, Councilmember Woods seconded. All ayes. The approval of these minutes has been tabled until the May 2nd meeting.

Council President McGinty moved the minutes of the April 4, 2011 executive session for approval, Councilmember Quattrone seconded. All approved.

Resolution 2011-114 Implementing a Time Limit for Public Comment at Meetings of the Hightstown Borough Council

Councilmember Gilmartin moved resolution 2011-114, Councilmember Quattrone seconded.

There was discussion and Councilmember Woods moved that the resolution be amended to include a three minute extension if needed, there was no second. Motion failed.

Roll Call Vote on resolution as originally presented: Council members Gilmartin and Quattrone voted yes; Council members Bibens, McGinty and Woods voted no.

Resolution failed, 2-3.

The Mayor opened Public Comment Period I and the following individuals spoke during the period: Eugene Sarafin, 628 S. Main Street; Fran Palumbo, 101 Main Street, Owner of the Tavern; Peter Klapsogorge, 418 N. Main Street; J P Gibbons, 602 N. Main Street; Darek Hahn, 102 Manlove; Rob Thibault, 504 S. Main Street; and Dan Buriak, 194 Stockton Street.

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

Resolution 2011-115 Requesting that the DOT conduct the Milling and Paving of Route 33/Mercer Street During Daytime Hours

Councilmember Quattrone moved resolution 2011-115, Council President McGinty seconded.

There was discussion and the Borough Engineer gave a description of the project and explained that the noise and lights associated with overnight construction would disrupt the residents living in the neighborhood in which the construction would be taking place.

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

Resolution adopted, 5-0.

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

**REQUESTING THE NEW JERSEY DEPARTMENT OF TRANSPORTATION CONDUCT THE
MILLING AND PAVING OF ROUTE 33/MERCER STREET DURING DAYTIME HOURS**

WHEREAS, The New Jersey Department of Transportation has included the milling and paving of Route 33/Mercer Street in Hightstown Borough in its upcoming milling and paving program; and

WHEREAS, the Department of Transportation has outlined its plan to mill and pave during the overnight hours of 9:00 pm and 6:00 am for an approximate six week period; and

WHEREAS, the Borough Engineer has determined that the road construction within the Borough will take place in a residential area; and

WHEREAS, the Borough Council finds that the plan to mill and pave in this residential area during overnight hours will create a great burden upon the residents of Mercer Street; and

WHEREAS, it is the desire of the Borough Council that said mill and pave project be conducted during daytime hours to eliminate the burden that overnight construction would cause the residents of Mercer Street.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that it is hereby requested that the Department of Transportation conduct the mill and pave project in Hightstown Borough during daytime hours to eliminate the burden that overnight construction would cause the residents of Mercer Street.

Resolution 2011-116 Requesting the DOT to Re-install and Fund Replacing Decorative Crosswalks in the Milling and Paving of Route 33/Mercer Street Contract

Council President McGinty moved resolution 2011-116, Councilmember Quattrone seconded.

There was discussion and the Borough Engineer advised that the NJDOT had announced at the pre-construction meeting that the Borough would be replacing the decorative crosswalks at its expense. She further clarified that at an initial meeting with a DOT representative she was told they would include it in their bid for the project.

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

Resolution adopted, 5-0.

**REQUESTING THE NEW JERSEY DEPARTMENT OF TRANSPORTATION (NJDOT) TO RE-
INSTALL AND FUND REPLACING DECORATIVE CROSSWALKS IN THE MILLING AND
PAVING CONTRACT OF ROUTE 33/MERCER STREET**

WHEREAS, The New Jersey Department of Transportation has included the milling and paving of Route 33/Mercer Street in Hightstown Borough in its upcoming milling and paving program; and

WHEREAS, the NJDOT has determined that the replacement of decorative crosswalks associated with this project shall be performed and paid for by the Borough; and

WHEREAS, the original decorative crosswalks were installed under a project that was paid in part by a grant from the NJDOT Trust Fund and the NJDOT permitting office approved of all crosswalks in the Borough; and

WHEREAS, at the time of their original install, Route 33 in Hightstown Borough was one of the few state highways that had decorative crosswalks on a State owned roadway; and

WHEREAS, in a preliminary meeting between the Department of Transportation, the Hightstown Borough Engineer and Sudha Singavarapu of her office, and Hightstown Borough Public Works Superintendent and Assistant Superintendent, it had been conveyed that the replacement of the decorative crosswalks would be performed as part of the Department of Transportation contract at no cost to the Borough; and

WHEREAS, the Borough Council objects to the expectation that the Borough will replace and pay for these replacement decorative crosswalks and requests that the NJDOT include the replacement of the decorative crosswalks in their contract and that costs associated with the replacement be paid with NJDOT funds.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that it is hereby requested that the Department of Transportation include the replacement of decorative crosswalks in their contract for the milling and paving of Route 33/Mercer Street in the Borough of Hightstown with said costs to be covered by NJDOT funds, and the Borough Engineer is hereby instructed to submit said written objection and request to the NJDOT.

Resolution 2011-117 Authorizing Payment #4 and Final – Earle Asphalt (Leshin Lane Reconstruction)

Councilmember Quattrone moved resolution 2011-117, Council President McGinty seconded.

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

Resolution adopted, 5-0.

Resolution 2011- 117

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

**AUTHORIZING PAYMENT #4 AND FINAL – EARLE ASPHALT COMPANY
(LESHIN LANE RECONSTRUCTION PROJECT)**

WHEREAS, on July 19, 2010, the Borough Council awarded a contract for the Leshin Lane Reconstruction Project to Earle Asphalt Company of Farmingdale, New Jersey in the amount of \$456,113.13; and,

WHEREAS, the contractor has submitted Payment Request #4 – Final in the amount of \$8,833.55 which releases retainage for completion of this project; and,

WHEREAS, the Borough Attorney has reviewed the closeout documents and found them to be in order; and,

WHEREAS, the Borough Engineer has confirmed that punchlist items are completed, final certified payrolls have been received and the project may be accepted and closed out; and,

WHEREAS, this project is funded by a NJDOT Trust Fund Grant in the amount of \$455,000.00 and ; and the final cost for this contract is \$441,677.47

WHEREAS, The Treasurer has certified that said funds are available for this purpose.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that payment Request No. 4 from Earle Asphalt Company of Farmingdale, New Jersey in the amount of \$8,833.55, as detailed herein, is hereby approved, and the Treasurer is authorized to issue same.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of Hightstown that the closeout documents for said project are hereby accepted.

Resolution 2011-118 Authorizing an Agreement for Interior Inspection of the Dam and Abutments – Lippicott Jacobs Engineering

Councilmember Quattrone moved resolution 2011-118, Councilmember Gilmartin seconded.

There was discussion and the Borough Engineer explained that this was a necessary inspection for the Walking Bridge Committee to move forward with their project and would offset the cost of the inspection required by DEP, to be held this year.

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

Resolution adopted, 5-0.

Resolution 2011- 118

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

**AUTHORIZING AN AGREEMENT FOR INTERIOR INSPECTION OF THE DAM AND
ABUTMENTS – LIPPINCOTT & JACOBS ENGINEERING**

WHEREAS, the Greenway Walking Bridge Committee contracted with Lippincott & Jacobs Engineering to evaluate the abutments at the Peddie Lake dam for the replacement bridge; and,

WHEREAS, the evaluation revealed that the interior of the dam is hollow which poses concern regarding the ultimate integrity of the dam; and,

WHEREAS, the dam is the ultimate responsibility of the Borough; and,

WHEREAS, Lippincott & Jacobs Engineering has recommended an interior inspection of the dam and abutments and has submitted a proposal in the amount of \$5,500.00 to perform these inspections; and,

WHEREAS, the NJDEP Bureau of Dam Safety Regulation requires that the Borough perform a Formal Inspection of the dam every six years, with said inspection required this year; and

WHEREAS, the work to be performed at this time is necessary and important for the Formal Inspection work; and

WHEREAS, the Borough Engineer has requested that Council authorize this work as soon as possible so that an evaluation of the structural integrity of the abutments is made and the Greenway Bridge Committee can move forward with their project of replacing the walking bridge; and

WHEREAS, The Treasurer has certified that said funds are available for this purpose.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Qualified Purchasing Agent is hereby authorized to execute an agreement with Lippincott & Jacobs Engineering in the amount of \$5,500.00 for an interior inspection of the Peddie Lake dam and abutments.

Discussion then ensued regarding the 2011 Milling and Paving Project from the Transportation Trust Grant. The Borough Engineer advised that while the DOT did not grant the funds to cover sidewalks and curbing, she recommends that the Borough bid these items as alternate items. She then clarified how an alternate item bid is conducted and how it could benefit the Borough. The Borough Engineer was instructed by Council to move forward with the alternate items in the bid and the Chief Financial Officer was instructed to move forward with having the bond ordinance prepared for introduction at a meeting in May.

Councilmember Woods moved to amend the agenda by moving the Capital Bond Ordinance discussion to this point on the agenda, Council President McGinty seconded. All agreed.

Discussion regarding the Capital Bond Ordinance ensued and the Council discussed water plant needs and that getting well #3 up and running was a priority. It was decided that the water tank maintenance work would be paid under a separate ordinance than the remainder of the projects for the water plant.

The Council inquired if they can address the water plant needs now and discuss the sewer plant needs at a later date. George Lang, Chief Financial Officer, advised that they should include everything in the ordinance and if they decide not to do the work they are not required to use the money. The Borough Engineer advised of the essential maintenance that is needed at the sewer plant and if it was not done now there would be an emergency with a substantial increase in cost. Discussion continued regarding the financing available and the cost to the taxpayers. After further discussion it was decided to include the items for the sewer plant in the Bond Ordinance and the Chief Financial Officer was instructed to move forward with getting the Bond Ordinance prepared for these projects, for introduction at a May Council meeting.

Ordinance 2011-02 – An Ordinance Establishing Salary Ranges for Certain Officers and Employees of the Borough of Hightstown

The Mayor then opened the public hearing on Ordinance 2011-02. The following residents spoke during this public hearing: Eugene Sarafin, 628 S. Main Street.

Councilmember Quattrone moved ordinance 2011-02 for adoption, Councilmember Woods seconded.

There was discussion.

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

Ordinance 2011-02 adopted, 4-1.

Ordinance 2011-02

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

**AN ORDINANCE TO ESTABLISH SALARY RANGES FOR CERTAIN OFFICERS AND EMPLOYEES
OF THE BOROUGH OF HIGHTSTOWN**

BE IT ORDAINED by the Mayor and Council of the Borough of Hightstown, as follows:

Section 1. The following official employment designations are hereby confirmed and the rate of compensation of each officer and employee of the Borough of Hightstown, excluding longevity, whose compensation shall be on an annual basis, is:

	RANGING FROM:	TO:
Mayor	\$4,800.00	\$4,800.00
Councilmember	\$3,600.00	\$3,600.00
Borough Clerk	\$40,000.00	\$67,000.00
Treasurer	\$40,000.00	\$60,000.00
Tax/Water/Sewer Collector	\$20,000.00	\$30,000.00
Deputy Tax/Water/Sewer Collector	\$8,000.00	\$18,400.00
Tax/Utility/Payroll Clerk	\$28,000.00	\$35,000.00
Tax Assessor	\$7,500.00	\$14,375.00
Registrar of Vital Statistics	\$2,500.00	\$5,000.00
Deputy Registrar of Vital Statistics	\$1,000.00	\$4,600.00
Municipal Court Administrator	\$40,000.00	\$65,000.00
Deputy Municipal Court Administrator	\$28,000.00	\$35,000.00

	RANGING FROM:	TO:
Administrative Assistant/Secretary	\$22,000.00	\$44,000.00
Planning Board Secretary	\$1,000.00	\$16,000.00
Technical Assistant	\$28,000.00	\$40,000.00
Construction Code Official	\$18,000.00	\$35,000.00
Fire Subcode Official	\$3,500.00	\$6,000.00
Building Subcode Official	\$3,500.00	\$6,000.00
Superintendent of Public Works	\$50,000.00	\$82,000.00
Assistant Superintendent of Public Works	\$50,000.00	\$66,000.00
Water Plant Operator	\$40,000.00	\$70,000.00
Superintendent of AWWTP	\$50,000.00	\$80,000.00
Lab Manager - AWWTP	\$35,000.00	\$60,000.00
Chief of Police	\$65,000.00	\$120,000.00
Secretary - Board of Health	\$500.00	\$1,500.00
Computer Systems Administrator	\$3,000.00	\$6,000.00
Chief Financial Officer	\$2,000.00	\$50,000.00
Building Inspector	\$3,500.00	\$4,500.00
Health Officer	\$8,000.00	\$13,000.00

Section 2. The following official employment designations are hereby confirmed and the rate of compensation of each officer and employee of the Borough of Hightstown, whose compensation shall be on an hourly basis, is:

	RANGING FROM:	TO:
Part-time clerical	\$8.00	\$30.00
Violations Clerk (part-time)	\$10.00	\$15.00
Disposition Clerk (part-time)	\$12.50	\$25.00
Special Officer – Municipal Court	\$25.00	\$35.00
Public Health Nurse	\$25.00	\$45.00
School Crossing Guard	\$15.00	\$25.00
Radio Dispatcher	\$8.00	\$25.00
Special Officer II	\$24.00	\$34.00
Administrative Assistant/Secretary	\$10.50	\$20.00
Administrative Assistant – Floater	\$13.50	\$21.00
Public Works Foreman	\$16.00	\$27.00

	RANGING FROM:	TO:
Public Works Heavy Equipment Operator	\$14.00	\$25.00
Public Works Automated Vehicle Operator	\$14.00	\$25.00
Public Works Driver/Laborer	\$10.00	\$20.00
Public Works Laborer	\$8.00	\$18.00
Public Works Municipal Building Maintenance	\$8.00	\$16.00
Public Works Mechanic	\$10.00	\$25.00
Seasonal/Temporary Labor	\$8.00	\$16.00
Assistant Water Plant Operator	\$14.00	\$23.00
Water Plant Lead Operator	\$40.00	\$49.00
AWWTP Maintenance	\$15.00	\$25.00
AWWTP Operator Trainee (up to 1 year exp)	\$12.00	\$15.50
AWWTP Operator – Class I (min. 1 year exp)	\$14.50	\$17.00
AWWTP Operator – Class II (min. 2 years exp)	\$15.25	\$18.50
AWWTP Operator – Class III (min. 3 years exp)	\$16.50	\$21.00
AWWTP Operator – Class IV (min. 4 years exp)	\$17.25	\$25.00
Recreation Director (part-time)	\$20.00	\$40.00
Assistant Recreation Director (part-time)	\$8.00	\$20.00
Junior Recreation Counselor (part-time)	\$6.00	\$12.00
Housing Inspector	\$14.00	\$35.00
Fire Inspector	\$14.00	\$35.00
Building Inspector	\$14.00	\$35.00
Fire Official	\$14.00	\$35.00
Zoning Officer	\$14.00	\$30.00
Electric Subcode Official	\$14.00	\$40.00
Plumbing Subcode Official	\$14.00	\$40.00
Borough Administrator	\$30.00	\$53.00

Section 3. This Ordinance shall take effect after final passage and publication as provided by law, but the ranges of compensation herein provided shall be effective January 1, 2011.

Section 4. The salary ranges established in this ordinance supersede any established for the same positions in previous salary ordinances, and will remain in effect until changed by the adoption of a new or amending Salary Ordinance.

Resolution 2011-119 Authorizing the Payment of Bills

Councilmember Quattrone moved resolution 2011-119, Councilmember Bibens seconded.

There was discussion and the Chief Financial Officer answered questions from Council.

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

Resolution adopted, 5-0.

Resolution 2011-119

BOROUGH OF HIGHTSTOWN

COUNTY OF MERCER

STATE OF NEW JERSEY

AUTHORIZING PAYMENT OF BILLS

WHEREAS, certain bills are due and payable as per itemized claims listed on the following schedules, which are made a part of the minutes of this meeting as a supplemental record;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the bills be paid on audit and approval of the Mayor, the appropriate Councilmember and the Treasurer

in the amount of \$ 116,692.54 from the following accounts

Current	\$	36,390.41
W/S Operating		70,003.77
General Capital		4,317.26
Water/Sewer Capital		-
Grant		-
Trust		647.00
Housing Trust		-
Animal Control		
Law Enforcement Trust		-
Housing Rehab Loans		-
Unemployment Trust		
Escrow		5,334.10
Total	\$	<u>116,692.54</u>

Resolution 2011-120 Authorizing Emergency Temporary Appropriations Prior to the Adoption of the 2011 Budget

Councilmember Quattrone moved resolution 2011-120, Councilmember Gilmartin seconded.

George Lang, Chief Financial Officer gave an explanation and there was discussion.

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

Resolution adopted, 5-0.

Resolution 2011-120

BOROUGH OF HIGHTSTOWN

April 26, 2011

*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	327,400.00	742,944.00	1,070,344.00
Capital Outlay – Current	0.00	0.00	0.00
Debt Service - Current	0.00	0.00	0.00
Water/Sewer	70,000.00	560,088.00	630,088.00
Capital Outlay – W/S	0.00	0.00	0.00
Debt Service - W/S	0.00	0.00	0.00
TOTAL	397,400.00	1,303,032.00	1,700,432.00

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 2011-121 Accepting a Performance Bond for Old Hights Overlook – Seymour Investments

Councilmember Quattrone moved resolution 2011-121, Councilmember Woods seconded.

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

Resolution adopted, 5-0.

Resolution 2011- 121

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

ACCEPTING A PERFORMANCE BOND FOR OLD HIGHTS OVERLOOK (SEYMOUR INVESTMENTS, LLC)

WHEREAS, Jeff Forman, the previous developer for the Old Hights Overlook Development has sold the property known as Block 13, Lots 24.01 and 15.01 to Seymour Investments, LLC; and

WHEREAS, the previously posted performance bond balance in the amount of \$92,550.60 representing the estimate for performance guarantee as prepared by Roberts Engineering Group must be transferred to the new owner; and

WHEREAS, Seymour Investments, LLC has presented a Letter of Credit in the amount of \$92,550.60 to serve as the Performance Bond for said project; and

WHEREAS, the Borough Engineer has confirmed that the amount of the Letter of Credit is sufficient; and

WHEREAS, the Borough Attorney has reviewed said Letter of Credit and finds that it is satisfactory.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of Hightstown Borough, Mercer County, New Jersey that the Letter of Credit in the amount of \$92,550.60 posted by Seymour Investments, LLC as a performance guarantee for the Old Hights Overlook Development (Block 13, Lots 24.01 and 15.01) is hereby accepted and the Borough Clerk is authorized to return the original Letter of Credit as posted by Jeff Forman.

Resolution 2011-122 Issuing a Refund for an Overage Payment for Water Usage

Councilmember Gilmartin moved resolution 2011-122, Councilmember Bibens seconded.

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

Resolution adopted as amended, 5-0.

Resolution 2011-122

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

AUTHORIZING REFUND OF WATER OVERPAYMENT

WHEREAS, Schifano Construction of Middlesex New Jersey posted a \$500.00 deposit for tanked water service on February 14, 2011; and

WHEREAS, the meter reading at the start of usage was 3674300 and 3698600 at the end of usage; and

WHEREAS, the total cost for the usage as metered is \$220.00 and the overage of \$280.00 left on the deposit is to be refunded to Schifano Construction; and

WHEREAS, the Water/Sewer Collector has requested that the amount of said overpayment in the amount of \$280.00 be refunded to Schifano Construction.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Water/Sewer Collector and Treasurer are hereby authorized to issue a refund in the amount of \$280.00 to Schifano Construction of 1 Smalley Avenue, Middlesex, New Jersey, representing their water usage overpayment as set forth herein.

Resolution 2011-123 Waiving Permit Fees – Hightstown East Windsor Historical Society

Councilmember Quattrone moved resolution 2011-123, Councilmember Gilmartin seconded.

Council President McGinty inquired of the Borough Attorney regarding establishing a policy regarding waiving fees for non-profits. Councilmember Woods motioned to table this resolution to the next meeting and Councilmember Gilmartin seconded.

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

Resolution tabled to next meeting, 5-0.

Resolution 2011-124 Approval and Concurrence with the New Jersey State League of Municipalities Conference Resolution 2010-22 to End State Diversion of Municipal Revenue and Demand Compliance with State Laws

Councilmember Quattrone moved resolution 2011-124, Councilmember Gilmartin seconded.

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

Resolution adopted as amended, 5-0.

Resolution 2011- 124

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

**APPROVAL OF AND CONCURRENCE WITH THE
NEW JERSEY STATE LEAGUE OF MUNICIPALITIES CONFERENCE RESOLUTION NO. 2010 – 22
TO END STATE DIVERSION OF MUNICIPAL REVENUES AND DEMAND COMPLIANCE WITH STATE LAWS**

WHEREAS, there are two main formula-driven general municipal property tax relief programs currently on the books in our Garden State; and

WHEREAS, though often referred to as “State Aid” programs, these are actually revenue replacement programs, intended to replace property tax relief funding that was, formerly, generated through taxes assessed and collected locally; and

WHEREAS, the first is the Energy Tax Receipts Property Tax Relief program - the direct descendant of the Public Utility Gross Receipts and Franchise Tax, which was a tax on regulated public utilities originally assessed and collected at the municipal level; and

WHEREAS, in the early 1980s, at the request and for the convenience of the tax paying utilities, the State became the collection agent for this assessment, and the law that effected this change promised that the proceeds would be distributed back to the municipalities, which provide services to utility facilities and from whence come utility profits; and

WHEREAS, the State of New Jersey never honored that commitment, immediately and annually diverting large and growing portions of the proceeds to its own general fund; and

WHEREAS, modernization and deregulation led to a major reform of utility taxes in the mid-nineties, which validated and, supposedly, capped the State’s annual portion of the tax proceeds; and

WHEREAS, that law also included a ‘poison pill,’ which required the State to annually increase the municipal distribution of Energy Tax proceeds and to cap its skim; and it, further, provided that failure to honor that pledge would result in the forfeiture of the State’s authority to collect the tax; and

WHEREAS, around the same time, for its own convenience, the State decided to ‘consolidate’ a number of previously discrete municipal property tax relief programs; and

WHEREAS, while some may see ‘no rhyme or reason’ to the distribution of Consolidated Municipal Property Tax Receipts Aid (CMPTRA), each of its component parts was distributed according to state established formulas, and many of those parts were, like Energy Taxes, the lineal descendants of taxes that had once been assessed and collected at the municipal level; and

WHEREAS, among its many components, CMPTRA includes the Financial Business Tax, the Business Personal Property Tax Replacement, the Railroad Class II Property Tax, the Insurance Franchise Tax, the Corporation Business Tax on Banking Corporations and State PILOT payments, that had been under-funded for many years, prior to being folded into CMPTRA; and

WHEREAS, these are, or were, all municipal revenue replacement programs - not, properly speaking, State aid, in that they were not meant to make things better for municipal property taxpayers; they were only intended to keep things from getting worse; and

WHEREAS, in the late-nineties, a law was passed that required both the Energy Tax and CMPTRA distributions to be annually increased by the rate of inflation; and

WHEREAS, that law posed a special problem for future State budget makers, but, as those budget makers viewed the matter, the problem was not how to comply with the requirement; the problem was how to avoid compliance without invoking the Energy Tax ‘poison pill,’ and

WHEREAS, State policy makers found a way to increase Energy Tax distributions by the rate of inflation for five straight years without providing municipalities with one new dollar in property tax relief, which was done by annually reducing the CPMTRA distribution by the same amount that it increased the Energy Tax distribution; and

WHEREAS, thereafter, the State strayed even farther from original legislative intent, when, in 2008 (SFY 2009), CMPTRA was reduced by about \$62 million more than the Energy Tax was increased, and in 2009 (SFY 2010), the net loss equaled about \$32 million; and

WHEREAS, the State's Fiscal Year 2011 budget, in which the total distribution of CMPTRA and ETR was reduced by approximately 17 percent, or \$272 million from \$1.565 billion to \$1.293 billion, honoring neither the letter nor the spirit of applicable State laws.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of Hightstown Borough, Mercer County, New Jersey that the Governing Body hereby approves and concurs with the New Jersey State League of Municipalities, demanding an immediate end to the State's reliance on the municipal property tax relief revenues to balance its budget and address other priorities; and

BE IT FURTHER RESOLVED, that we call on the Governor to introduce and the Legislature to adopt an FY 2012 State Budget that provides for the full statutory distribution of Energy Tax and CMPTRA revenue replacement funding, and to continue to honor the letter and spirit of the applicable State statutes, in all years, thereafter; and

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to the members of the New Jersey General Assembly, the New Jersey State Senate, the Lieutenant Governor and the Governor of State of New Jersey.

Resolution 2011-125 Supporting A-3412 Sharing the Burden of Property Assessment Appeal Refunds

Council President McGinty moved that resolution 2011-125 be tabled until the next meeting so she would have time to review it, Councilmember Woods seconded.

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

Resolution tabled to next meeting, 5-0.

Resolution 2011-126 Authorizing an Agreement with Molto Bene LLC for Use of Public Right of Way

Council President McGinty moved resolution 2011-126, Councilmember Quattrone seconded.

Council President McGinty noted that the agreement in the meeting packet was different than the one previously distributed. The Borough Attorney advised that paragraph five of the agreement was removed as it would prove costly to requestor and is unnecessary.

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

Resolution adopted as amended, 5-0.

Resolution 2011-126

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

AUTHORIZING AGREEMENT WITH MOLTO BENE, LLC FOR USE OF PUBLIC RIGHT-OF-WAY

WHEREAS, Molto Bene, LLC (referenced herein as the "Applicant"), having an address of 116 N. Main Street, Hightstown, New Jersey, is a tenant in the property known and designated as Block 23, lot 5.01 on the Hightstown Borough Tax Map (referenced herein as the "property"), which is adjacent to N. Main Street; and

WHEREAS, the Applicant conducts a café/coffee shop at the property known as the "Molto Bene Caffè e Mercato Italiano" (referenced herein as the "Molto Bene Café"), and has requested permission to place tables and chairs outside of its business for the exclusive use of patrons of the Molto Bene Café and to conduct normal business activities associated with the Molto Bene Café within the said area; and

WHEREAS, the area adjacent to the property encompasses a certain right-of-way area owned by the State of New Jersey (referenced herein as the "State"); and

WHEREAS, the State, through the New Jersey Department of Transportation (referenced herein as the "D.O.T."), has advised the Borough that there are no permits required from, nor is there any other formal process necessary through, the State in order for the Applicant to install the desired outdoor tables and chairs or to conduct normal business activities within the area in question, which encompasses part of the right-of-way area owned by the State; and

WHEREAS, rather, the State, through the D.O.T., has advised the Borough that such approval is a local matter to be handled by the Borough so long as the proposed outdoor tables, chairs and/or other equipment do not block and/or interfere with pedestrian traffic; and

WHEREAS, the Borough is willing to allow the Applicant to utilize the area in question upon the terms and conditions contained in the attached Agreement.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Hightstown, that the Borough hereby permits the Applicant to utilize the area in question for the uses referenced above in consideration of the mutual promises and covenants contained in the attached Agreement, and the Mayor and Borough Clerk are hereby authorized to execute said Agreement on behalf of the Borough.

Resolution 2011-127 Accepting Membership of Robert Raymond, Jr. in Hightstown Engine Co. #1

Councilmember Quattrone moved resolution 2011-127, Council President McGinty seconded.

Council expressed interest in having new members and representatives of the Fire Company present at Council meetings when new members join the Fire Department; they commented that it would be nice to welcome the new member personally.

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

Resolution adopted as amended, 5-0.

Resolution 2011-127

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

**ACCEPTING MEMBERSHIP OF ROBERT RAYMOND JR.
IN HIGHTSTOWN ENGINE CO. NO. 1**

WHEREAS, Robert Raymond, Jr. of East Windsor, New Jersey has applied for membership in Hightstown Engine Company No. 1; and

WHEREAS Mr. Raymond 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 Robert Raymond, Jr. 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 2011-128 Authorizing an Amendment to a Raffle License

Councilmember Quattrone moved resolution 2011-128, Council President McGinty seconded.

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

Resolution adopted as amended, 5-0.

Resolution 2011-128

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

**AUTHORIZING ISSUANCE OF AN AMENDMENT TO RAFFLE LICENSE #RL-2011-006 FOR
ST. ANTHONY OF PADUA RC CHURCH**

WHEREAS, the St. Anthony of Padua RC Church was issued raffle license RL-2011-006 to hold an off-premise merchandise raffle at 251 Franklin Street, on May 22, 2011 pursuant to resolution 2011-68; and

WHEREAS, the group has submitted an application to amend the May 22, 2011 raffle date to August 28, 2011 and revised the prizes to be awarded on this raffle license; and

WHEREAS, the Borough Clerk has reviewed the amendment application and has determined that the requirements of the amendment to the original application 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 an amendment to raffle license RL-2011-006 issued to St. Anthony of Padua RC Church for their raffle to be held on May 22, 2011.

Resolution 2011-129 Authorizing the Acceptance and Processing of Septic Waste Water, Gray Water and/or Fat and Grease – Champion Environmental

Council President McGinty moved resolution 2011-129, Councilmember Woods seconded.

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

Resolution adopted as amended, 5-0.

Resolution 2011-129

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

**AUTHORIZING AGREEMENT FOR ACCEPTANCE AND PROCESSING OF
SEPTIC WASTE WATER, GRAY WATER AND/OR FATS AND GREASE – CHAMPION
ENVIRONMENTAL**

WHEREAS, Champion Environmental of Somerset, New Jersey has requested the use of the Borough of Hightstown Advanced Wastewater Treatment Plant for delivery of septic waste water, gray water and/or fats and grease; and,

WHEREAS, their request has been reviewed and approved by the Superintendent of the Advanced Wastewater Treatment Plant, and they have submitted a signed agreement along with the required Certificate of Insurance;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the agreement with Champion Environmental for acceptance and processing of septic waste water, gray water and/or fats and grease is hereby approved, and the Mayor and Borough Clerk are authorized to execute same.

Councilmember Gilmartin opened the discussion regarding volunteer recognition with an explanation that Hightstown Borough has many good volunteers, from Boards and Committees to the Fire Department and First Aid; and that it is important to recognize them for their hard work. She would like to form a sub-committee to recognize volunteers and she distributed a resolution to the Council. Councilmember Gilmartin moved resolution 2011-130 to recognize volunteers and there was discussion. Council President moved to amend the dates in the resolution to read April 22 through May 10 since the dates in the resolution were past, there was no second. Councilmember Gilmartin moved to amend the resolution to resolve April as National Volunteer Month in Hightstown Borough, and Councilmember Quattrone seconded.

Resolution 2011-130 Establishing Volunteer Recognition Month in Hightstown Borough

There was discussion regarding the dates listed in the resolution and it was decided that the resolution would establish a volunteer recognition month instead of week.

Councilmember Gilmartin moved resolution 2011-129 to read April as Volunteer Recognition month, Councilmember Quattrone seconded.

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

Resolution adopted as amended, 5-0.

Resolution 2011-130

BOROUGH OF HIGHTSTOWN

*COUNTY OF MERCER
STATE OF NEW JERSEY*

ESTABLISHING VOLUNTEER RECOGNITION MONTH IN HIGHTSTOWN BOROUGH

WHEREAS, volunteerism is one of the basic traits in the American character, and National Volunteer Week was established in 1974 to recognize and honor the generous people who volunteer their time and services to an organization or cause to help better our communities; and

WHEREAS, more than 109 million volunteers working in their communities utilize their time and talent daily to make a real difference in the lives of all of our citizens, including children and the elderly; and

WHEREAS, the various Boards and Committees, First Aid and Fire Department, and numerous volunteer residents are an important part of Hightstown Borough and truly exemplify the wonderful spirit of volunteerism; and

WHEREAS, this is a time to show our appreciation to the various Boards and Committees, First Aid and Fire Department, and numerous volunteer residents for the time, effort and dedication they devote in volunteering for the benefit of Hightstown Borough.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of Hightstown Borough, County of Mercer, in the State of New Jersey, do hereby resolve April as National Volunteer Month in Hightstown Borough, and as a time to renew our spirit of community, our sense of idealism and our commitment to service, and to express our appreciation to our volunteers for their excellent and dedicated efforts to the Hightstown Borough community, and further recognize and commend the many Volunteers of Hightstown Borough for their outstanding and tireless dedication to the community through their efforts.

Discussion regarding the Defense and Indemnification began and Council President McGinty recused herself from the discussion. Mr. Raffetto, Borough Attorney, reviewed that this ordinance is not needed and that there is coverage provided by the Joint Insurance Fund for the defense of officials, employees and appointees in the course of their duties on behalf of the Borough, unless it is a criminal or malicious act, in which there is no coverage provided. There was discussion and the Mayor inquired as to whether Council was interested in bringing this ordinance forward. It was decided that the ordinance would be introduced at the May 16th meeting.

The Mayor opened Public Comment Period II and the following individuals spoke during the period: Eugene Sarafin, 628 S. Main Street; Rob Thibault, 504 S. Main Street; Mike Vanderbeck, 344 Stockton Street; and Jeff Bond, 210 S. Main Street.

Council/Mayor/Administrative Comments

Councilmember Woods – stated that Council has worked very hard on evaluating the Capital projects and that she appreciates the volunteers in the Borough and thinks they deserve recognition.

Councilmember Bibens –stated that she and Councilmember Gilmartin are excited about forming the Volunteer Recognition Committee. She reminded the public that the Councilmembers are residents too and must also live with decisions made and that they work hard to do the right thing, she thanked the public for their positive feedback. Councilmember Bibens commended the Bridge Committee for doing a great job.

Councilmember Quattrone – commented that he met with the Fire Department regarding the budget and they have withdrawn their request for a truck but are still in need fo the inflatable boat; Public Works has had some very positive changes with the new Superintendent, Ken Lewis; Curtis has stepped down as the Captain to the First Aid but will still be answering calls, he thanked him for his dedication and service. He thanked Council for moving forward with the Capital Budget and thinks the matter of the Energy Audit recommendation should be addressed as it will create a savings to the Borough.

Councilmember Gilmartin– thanked Councilmember Quattrone for the information regarding the Fire Department request, and commented that she was sorry to hear the sad news about Curtis’ resignation as Captain of the First Aid; she thanked Darek Hahn and Pat Duncan for their hard work.

Councilmember Quattrone – thanked everyone for their condolences for the passing of his Mother and appreciated their respect of his request that the funeral remain private. He informed Council that the Memorial Day Parade group has held their first meeting, First Aid is looking into central dispatch, and that he too was disappointed in the Chief of Police.

Council President McGinty – reminded everyone that the School Board elections are tomorrow. She commented that the public should get answers when they make inquiries during the public comment periods; there is a need for a policy on waiving fees; Mr. Klapsogearge has been before Council in the past about his issue and maybe the Mayor can streamline the processing of the

complaint; There has been no update on the gangs or part-time officers; Council will address the Council vacancy at the next meeting; a code enforcement update should be on every agenda and why isn't she getting the monthly reports for the police and overtime amounts; Taxi licensing is waiting for the Attorney's legal opinion; She is sorry to see Mr. Musing resign; Peddie Lake is small, do they really need a boat.

Mayor Kirson – announced that Council will addressing the vacancy on Council at the May 2nd meeting and will follow the process taken when Mr. Theokas' seat was filled.

Councilmember Quattrone moved to adjourn the meeting at 11:25 pm, Councilmember Bibens seconded; the Motion was approved unanimously.

Respectfully Submitted,

Debra L. Sopronyi

Borough Clerk