

Meeting Minutes
Hightstown Borough Council
Regular Meeting
June 6, 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."

The Mayor called for a Roll Call.

ROLL CALL

| | PRESENT | ABSENT |
|---------------------------------|---------|--------|
| <i>Councilmember Bibens</i> | ✓ | |
| <i>Councilmember Gilmartin</i> | ✓ | |
| <i>Councilmember McGinty</i> | ✓ | |
| <i>Councilmember Quattrone</i> | ✓ | |
| <i>Councilmember Woods</i> | ✓ | |
| <i>Councilmember Vanderbeck</i> | ✓ | |
| <i>Mayor Kirson</i> | ✓ | |

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

Resolution 2011-147

Councilmember Gilmartin Quattrone moved resolution 2011-147. Councilmember Quattrone seconded.

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

Resolution adopted, 5-0

Resolution 2011-147

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 June 6, 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 – Chief of Police

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: September 6, 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 7:13 pm.

The meeting was called to order by Mayor Kirson at 7:30 pm and he again read the Open Public Meetings Act statement.

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The Flag Salute followed the Roll call which has remained the same: George Lang, Chief Financial Officer; James Eufemia, Chief of Police; and Carmela Roberts, Borough Engineer had also joined the public meeting.

Councilmember Quattrone requested that ordinance 2011-03 be amended to read Water/Sewer Utility in the title and throughout the ordinance. The Borough Attorney noted that this is not a substantive change and Council may still proceed with the ordinance as amended.

Councilmember Vanderbeck requested that the agenda be amended to include resolution 2011-158 under Engineer items and the resolutions 2011-159 and 2011-160 be added after resolution 2011-150.

Councilmember Vanderbeck moved the agenda as amended. Councilmember Gilmartin seconded. All ayes with the exception of Council President McGinty, who abstained.

Agenda approved as amended, 5-0, with one abstention.

Councilmember Quattrone moved the April 26, 2011 open session minutes for approval, Councilmember Woods seconded. Mayor Kirson called for a roll call vote.

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

Minutes approved, 4-0 with two abstentions.

Councilmember Quattrone moved the April 26, 2011 executive session minutes for approval, Councilmember Gilmartin seconded. Mayor Kirson called for a roll call vote.

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

Minutes approved, 4-0 with two abstentions.

Council President McGinty moved the May 2, 2011 open session minutes for approval, Councilmember Gilmartin seconded. Mayor Kirson called for a roll call vote.

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

Minutes approved, 5-0 with one abstention.

Council President McGinty moved the May 2, 2011 executive session minutes for approval, Councilmember Gilmartin seconded. Mayor Kirson called for a roll call vote.

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

Minutes approved, 5-0 with one abstention.

Mayor Kirson opened the Public Comment Period and the following individuals spoke during the period:

Phyllis Deal, 305 Stockton Street; Gail Doran, 201 Hutchinson Street; Rob Thibault, 504 S. Main Street; Eugene Sarafin, 628 S. Main Street; and Dan Buriak, 194 Stockton Street.

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

Resolution 2011-139 Authorizing an Agreement for Formal Dam Inspection – Lippincott Jacobs Engineering

Councilmember Quattrone moved resolution 2011-139, Councilmember Gilmartin seconded.

The Borough Engineer gave a review of the need for this inspection and there was discussion regarding the Greenway Walking Bridge; Darek Hahn, Chair of the Bridge Committee, commented regarding the status of the bridge. Discussion continued regarding ADA compliance for the bridge. Carmela Roberts, Borough Engineer, gave a history of the

inspections of the dam advising that this formal inspection is a DEP requirement to be performed every six years; she does not recall ever having this inspection performed in the past. She went on to state that the dam is very well maintained by Public Works.

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

Resolution adopted, 6-0.

Resolution 2011-139

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

**AUTHORIZING AN AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES –
LIPPINCOTT JACOBS ENGINEERING**

WHEREAS, there exists a need for engineering services for the Formal Inspection of the Peddie Lake Dam; and,

WHEREAS, the Borough Engineer has recommended the firm Lippincott Jacobs of Riverside, New Jersey due to their previous experience with the dam; and

WHEREAS, the cost for the proposed services shall not exceed \$29,000.00 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 has reviewed the contract and has determined that it is in order with respect to legal compliance; 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, Lippincott Jacobs 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 Qualified Purchasing Agent is authorized to execute an Agreement between the Borough of Hightstown and Lippincott Jacobs regarding the above-referenced professional engineering 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 Roberts Engineering Group LLC 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 Lippincott Jacobs; Janice Mohr-Kminek, Borough Treasurer; and the Contract File.

Resolution 2011-148 Resolution of Concurrence for the Mercer County Board of Freeholders to adopt an Ordinance to Change the Intersection of South Main Street (County Rte 539) & Ward Street to a Four Way Stop Intersection

Councilmember Vanderbeck moved resolution 2011-148, Councilmember Bibens seconded.

The Engineer gave a review of this resolution and advised that the County performed an analysis of this intersection at the request of the Chief of Police. It was determined by the County Engineer that the four way stop is needed for pedestrian and motorist safety and the Engineer and Chief of Police both support the determination. There was discussion and the Engineer was charged with finding out how, or if, the County forewarns local motorists of the change to a four way intersection.

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

Resolution adopted, 6-0

Resolution 2011-148

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

**RESOLUTION OF CONCURRENCE FOR THE MERCER COUNTY BOARD OF
FREEHOLDERS TO ADOPT AN ORDINANCE TO CHANGE THE INTERSECTION OF
SOUTH MAIN STREET (COUNTY RTE. 539) AND WARD STREET TO A FOUR-WAY STOP
INTERSECTION**

WHEREAS, the Hightstown Police Department has evaluated the safety of pedestrian and vehicle traffic at the intersection of South Main Street (County Rte. 539) and Ward Street and requested that the Mercer County Engineer's office conduct an evaluation of the traffic at this intersection; and

WHEREAS, the Mercer County Engineer has conducted a traffic study at the intersection and has recommended that the intersection be changed to a four-way stop due to the high traffic volume brought on by truck routing and pedestrian traffic to and from the Peddie School; and

WHEREAS, the Borough Engineer agrees with these recommendations and requests that the Borough Council adopt a resolution concurring with the County Engineer recommendations; and

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Hightstown hereby concur with the County Engineer that the intersection of South Main Street (County Rte. 539) and Ward Street be changed to a four-way stop intersection and request the Board of Freeholders to adopt an ordinance for same.

Resolution 2011-158 Authorizing Payment #4– S. Batata Construction, Inc. (Stockton Street Historic District Streetscape Infrastructure Project)

Council President McGinty moved resolution 2011-158, Councilmember Woods seconded.

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

Resolution adopted, 6-0

Resolution 2011-158

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

**AUTHORIZING PAYMENT # 4– S. BATATA CONSTRUCTION, INC.
(STOCKTON STREET HISTORIC DISTRICT STREETSCAPE INFRASTRUCTURE
PROJECT)**

WHEREAS, on June 21, 2010, the Borough Council awarded a contract for the Stockton Street Historic District Streetscape

Infrastructure Project to S. Batata Construction, Inc. of South River, New Jersey in the amount of \$791,506.00; and,

WHEREAS, the contractor has submitted Payment Request #4 for work done in the total amount of \$138,002.45; and,

WHEREAS, the Borough Engineer has recommended approval of this payment request and all required certified payrolls have been received; 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 Payment Request No. 4 from S. Batata Construction, Inc. of South River, New Jersey in the amount of \$138,002.45, as detailed herein, is hereby approved, and the Treasurer is authorized to issue same.

Ordinance 2011-03 Final Reading and Public Hearing: Bond Ordinance Providing for the Acquisition, Construction and Installation of Various Facilities, Structures and Equipment for the Sewer Utility in and by the Borough of Hightstown, in the County of Mercer, New Jersey, Appropriating \$2,083,000 Therefor and Authorizing the Issuance of \$2,083,000 Bonds or Notes of the Borough for Financing the Cost Thereof.

Councilmember Vanderbeck moved for the adoption of ordinance 2011-03 as amended, Councilmember Woods seconded.

Mayor Kirson opened the Public Hearing on Ordinance 2011-03 and the following individuals spoke during the hearing: Walter Sikorski, 326 N. Main Street; Eugene Sarafin, 628 S. Main Street; Rob Thibault, 504 S. Main Street.

There being no further comments, the Mayor closed the public hearing.

Carmela Roberts gave an explanation of the projects that are being completed under the bond ordinance and there was discussion

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

Ordinance adopted, 5-1.

Ordinance 2011-03

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

BOND ORDINANCE PROVIDING FOR THE ACQUISITION, CONSTRUCTION AND INSTALLATION OF VARIOUS FACILITIES, STRUCTURES AND EQUIPMENT FOR THE WATER SEWER UTILITY IN AND BY THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$2,083,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,083,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING THE COST THEREOF.

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Borough of Hightstown, in the County of Mercer, New Jersey (the "Borough"). For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$2,083,000. No down payment is required as the purpose authorized herein is deemed self-liquidating and the obligations authorized herein are deductible from the gross debt of the Borough, as more fully explained in Section 6(e) of this ordinance.

Section 2. In order to finance the cost of the improvement or purpose, negotiable bonds are hereby authorized to be issued in the principal amount of \$2,083,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is the acquisition, construction and installation of various facilities, structures and equipment for the water sewer utility, consisting of post chlorination, water treatment filter, water filtration media, variable frequency drivers, sludge rotary fan press, trickling filter, secondary digester, bar screen and primary clarifier and related improvements, including all related costs and

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expenditures incidental thereto and further including all work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor. Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Borough may lawfully undertake as a self-liquidating purpose of a municipal public utility. No part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 20 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$2,083,000, but that the net debt of the Borough determined as provided in the Local Bond Law is not increased by this bond ordinance. The obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$274,375 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

(e) This bond ordinance authorizes obligations of the Borough solely for purposes described in N.J.S.A. 40A:2-7(h). The obligations authorized herein are to be issued for a purpose that is deemed to be self-liquidating pursuant to N.J.S.A. 40A:2-47(a) and are deductible from gross debt pursuant to N.J.S.A. 40A:2-44(c).

Section 7. Any grant moneys received for the purpose described in Section 3(a) hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 8. The Borough hereby declares the intent of the Borough to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 8 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

Section 9. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary

damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Ordinance 2011-04 Final Reading and Public Hearing: Bond Ordinance Providing for the Refurbishment of Water Tanks for the Water Utility in and by the Borough of Hightstown, in the County of Mercer, New Jersey, Appropriating \$100,000 Therefor and Authorizing the Issuance of \$100,000 Bonds or Notes of the Borough for Financing the Cost Thereof.

Councilmember Quattrone moved for the adoption of ordinance 2011-04, Council President McGinty seconded.

Mayor Kirson opened the Public Hearing on Ordinance 2011-04 and the following individuals spoke during the hearing: Eugene Sarafin, 628 S. Main Street.

There being no further comments, the Mayor closed the public hearing.

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

Ordinance adopted, 6-0.

Ordinance 2011-04

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

BOND ORDINANCE PROVIDING FOR THE REFURBISHMENT OF WATER TANKS FOR THE WATER UTILITY IN AND BY THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$100,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$100,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING THE COST THEREOF.

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Borough of Hightstown, in the County of Mercer, New Jersey (the "Borough"). For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$100,000. No down payment is required as the purpose authorized herein is deemed self-liquidating and the obligations authorized herein are deductible from the gross debt of the Borough, as more fully explained in Section 6(e) of this ordinance.

Section 2. In order to finance the cost of the improvement or purpose, negotiable bonds are hereby authorized to be issued in the principal amount of \$100,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3.(a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is for the refurbishment of water tanks at Leshin Lane and 1st Avenue for the Water Utility, including all work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the

provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Borough may lawfully undertake as a self-liquidating purpose of a municipal public utility. No part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 40 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$100,000, but that the net debt of the Borough determined as provided in the Local Bond Law is not increased by this bond ordinance. The obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$5,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

(e) This bond ordinance authorizes obligations of the Borough solely for purposes described in N.J.S.A. 40A:2-7(h). The obligations authorized herein are to be issued for a purpose that is deemed to be self-liquidating pursuant to N.J.S.A. 40A:2-47(a) and are deductible from gross debt pursuant to N.J.S.A. 40A:2-44(c).

Section 7. Any grant moneys received for the purpose described in Section 3(a) hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 8. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 9. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 10. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Ordinance 2011-05 Final Reading and Public Hearing: Bond Ordinance Providing for the Milling and Paving Program for Various Roads in and by the Borough of Hightstown, in the County of Mercer, New Jersey, Appropriating \$432,000 Therefor and Authorizing the Issuance of \$432,000 Bonds or Notes of the Borough for Financing the Cost Thereof.

Councilmember Vanderbeck moved for the adoption of ordinance 2011-05, Councilmember Bibens seconded.

Mayor Kirson opened the Public Hearing on Ordinance 2011-05 and the following individuals spoke during the hearing: Eugene Sarafin, 628 S. Main Street.

There being no further comments, the Mayor closed the public hearing.

The Borough Engineer gave a review of the roadways affected by this ordinance and the Mayor explained that a \$290,000.00 grant was received for this project. The Engineer then gave an explanation of how alternates would be handled in the bid specifications.

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

Ordinance adopted, 6-0.

Ordinance 2011-05

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

BOND ORDINANCE PROVIDING FOR THE MILLING AND PAVING PROGRAM FOR VARIOUS ROADS IN AND BY THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$432,000 THEREFOR AND AUTHORIZING THE ISSUANCE \$432,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Borough of Hightstown, in the County of Mercer, New Jersey (the "Borough") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$432,000, including a grant expected to be received from the State of New Jersey Department of Transportation in the amount of \$290,000 (the "State Grant"). Pursuant to N.J.S.A. 40A:2-11(c), no down payment is provided for the costs of the improvement since the project described in Section 3(a) hereof is being partially funded by the State Grant.

In order to finance the cost of the improvement or purpose and in anticipation of the State Grant referred to in Section 1 hereof, negotiable bonds are hereby authorized to be issued in the principal amount \$432,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

(a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is for the Milling and Paving Program for various roads, consisting of Mechanic Street, Reed Street, Purdy Street, Chamberlin Avenue, Wilson Avenue and Reverend Powell Drive, including all work and materials necessary therefore and incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefore.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this

ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Borough may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this ordinance, is 10 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$432,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$54,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 7. The Borough hereby declares the intent of the Borough to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

Section 8. Any grant moneys received for the purpose described in Section 3(a) hereof shall be applied to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such additional funds are so used.

Section 9. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Ordinance 2011-06 Final Reading and Public Hearing: An Ordinance Amending and Supplementing Chapter 2, "Administration," of the Revised General Ordinances of the Borough of Hightstown, New Jersey to Establish a New Section 2-47 Thereof, to be Entitled "Defense and Indemnification of Public Employees in Civil Actions"

Council President McGinty recused herself from all discussion and vote on this ordinance.

Councilmember Quattrone moved for the adoption of ordinance 2011-06, Councilmember Gilmartin seconded.

Mayor Kirson opened the Public Hearing on Ordinance 2011-06 and the following individuals spoke during the hearing: Eugene Sarafin, 628 S. Main Street and Gail Doran, 201 Hutchinson Street.

There being no further comments, the Mayor closed the public hearing.

There was discussion.

Roll Call Vote: Council members Bibens, Gilmartin, and Quattrone voted yes; Council members Vanderbeck and Woods abstained, Council President McGinty was recused.

Mr. Raffetto, Borough Attorney, advised Council that the ordinance is adopted with this vote.

Ordinance adopted, 3-0, with three abstentions.

Ordinance 2011-06

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

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 2, "ADMINISTRATION," OF THE "REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN, NEW JERSEY," TO ESTABLISH A NEW SECTION 2-47 THEREOF, TO BE ENTITLED "DEFENSE AND INDEMNIFICATION OF PUBLIC EMPLOYEES IN CIVIL ACTIONS."

WHEREAS, a municipality may make, amend, repeal and enforce ordinances not contrary to the laws of the State of New Jersey or the United States, as deemed necessary and proper for good government, order and protection of persons and property in accordance with N.J.S.A. 40:48-2; and

WHEREAS, it has been determined by the Mayor and Council of the Borough of Hightstown (the "Borough") that the Borough is authorized pursuant to N.J.S.A. 59:10-4 to provide for the defense and indemnification of its public employees; and

WHEREAS, the Mayor and Council of the Borough desire to so provide through the adoption of an ordinance establishing the standards and procedures for the defense of civil actions against and the indemnification of the Borough's public employees.

NOW, THEREFORE, BE IT ORDAINED, by the Governing Body of the Borough of Hightstown, County of Mercer, State of New Jersey, that Chapter 2, "Administration," of the "Revised General Ordinances of the Borough of Hightstown, New Jersey," is hereby amended and supplemented in order to establish a new Section 2-47 thereof, to be entitled "Defense and Indemnification of Public Employees in Civil Actions," as follows:

Section 2-47

DEFENSE AND INDEMNIFICATION OF PUBLIC EMPLOYEES IN CIVIL ACTIONS

Subsection 2-47.1 Intent.

It is the intent and purpose of this Ordinance to provide for the defense and indemnification of public employees, as defined herein, in civil actions in accordance with the provisions of this Section.

Subsection 2-47.2 Definitions.

For the purposes of this Section, unless the context clearly indicates a different meaning, the following words and phrases shall have the meanings set forth:

- a. *Insurance:* Coverage afforded by insurance policies of every kind, whether the premiums are paid for by the Borough, the public employee or someone on their behalf.
- b. *Public Employee:* Any current or former elected or appointed official, officer or member of the boards, agencies and commissions of the Borough of Hightstown, or any employee or servant of the Borough, whether or not compensated or part-time, who is authorized by the Borough to perform any act or service; provided, however, that this term does not include independent contractors.

Subsection 2-47.3 Provision of Defense.

The Borough shall provide for the defense of any civil action brought against, and the indemnification of, a public employee, as permitted by N.J.S.A. 59:10-4, on account of any act or omission arising out of or incidental to the good faith performance of their duties, and this obligation shall extend to any complaint, counterclaim, crossclaim or cross complaint against such public

employee, unless excepted by the terms set forth in Subsection 2-47.5 below.

Subsection 2-47.4

Procedures.

- a. If a public employee is served with any summons, complaint, process, notice, demand or pleading in any civil action, the public employee shall deliver the original or copy of same to the Borough Clerk within ten (10) calendar days after the time the public employee is served with the same.
- b. The Borough will first notify its insurance carrier of the civil action and request that said insurance carrier provide a defense for the public employee. If the Borough's insurance carrier agrees to provide a defense, then the Borough's obligation to do so shall be automatically delegated to the Borough's insurance carrier with no further formal action needed by the Borough.
- c. If the Borough's insurance carrier declines to provide a defense, the Borough Council shall nevertheless agree to provide a public employee with the necessary defense of any civil action brought against the public employee, except in those circumstances where the Borough Council has determined that any of the exceptions referenced in Subsection 2-47.5 below are applicable.
- d. Upon approval by the Borough Council of a public employee's request to provide a defense, the public employee shall select an attorney from a list of attorneys provided by the Borough within ten (10) calendar days of the Borough Council's approval of the defense of the public employee. The rates of the attorneys contained within the said list shall be previously approved by the Borough. The Borough shall in no event be responsible for the cost of attorney's fees incurred by anyone unless it shall agree in writing to the terms of the representation.
- e. If the public employee fails to select an attorney from the list of attorneys provided by the Borough within the ten (10) calendar day period stated above, or if the public employee elects not to utilize the procedures set forth herein for the appointment of counsel, then the Borough shall neither provide a defense to, nor provide indemnification of, the public employee.

Subsection 2-47.5

Exceptions to Defense of Civil Actions.

The provisions of this Section shall not be applicable when the Borough Council has determined that:

- a. The act or omission was not within the scope of or incidental to the employment or duties of the public employee;
- b. The act or omission was the result of actual fraud, actual malice, willful misconduct or an intentional wrong;
- c. The defense of the civil action or proceeding is provided for by insurance, whether obtained by the Borough or by any other person;
- d. The legal action has been brought by the Borough itself against the public employee, or the defense of the civil action or proceeding would create a conflict of interest between the Borough and the public employee;
- e. The legal action is a criminal or disciplinary action;
- f. The public employee failed to deliver to the Borough Clerk, within ten (10) calendar days after the time the public employee is served with any summons, complaint, process, notice, demand or pleading, the original or a copy of the same; or
- g. The public employee has failed to cooperate fully with the defense.

Subsection 2-47.6

Indemnification.

- a. In any case where the Borough is required to provide a defense under this Section, the Borough shall indemnify and pay, or shall reimburse the public employee for, the following:
 1. Any bona fide settlement agreement entered into by the Borough on behalf of the public employee.

2. Any judgment entered against the public employee.
- b. However, nothing in this Section shall authorize the Borough to indemnify public employees for punitive or exemplary damages.
- c. In any case where the Borough would be required to provide a defense under this Section, except for the fact that such defense is provided for by insurance, the Borough shall provide indemnification as aforesaid, but only to the extent that liability exists which is not covered by insurance and where not excepted by the terms of Subsection 2-47.5 above or by any other provision set forth in this Section.

BE IT FURTHER ORDAINED, that if any section, paragraph, subdivision, clause or provisions of this Ordinance shall be adjusted invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause, or provision as adjudged and the remainder of this Ordinance shall be deemed valid and effective.

BE IT FURTHER ORDAINED, that all other Ordinances and provisions thereof that are inconsistent with the provisions of this Ordinance shall be and are hereby repealed to the extent of such inconsistency.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect immediately upon its adoption and publication in accordance with the law.

Council President McGinty returned to the dais.

Ordinance 2011-07 Final Reading and Public Hearing: An Ordinance Regarding Constructing Additions and/or Decks to Existing Single-Family Dwellings, Amending and Supplementing Section 28-28, Subsection 28-28-2(j), Entitled "Continuation; Enlargement; Rebuilding; Change of Use," of Chapter 28, "Zoning," of the Revised General Ordinances of the Borough of Hightstown, New Jersey

Councilmember Vanderbeck moved for the adoption of ordinance 2011-07, Council President McGinty seconded.

Mayor Kirson opened the Public Hearing on Ordinance 2011-07 and the following individuals spoke during the hearing: Eugene Sarafin, 628 S. Main Street.

There being no further comments, the Mayor closed the public hearing.

There was discussion.

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

Ordinance adopted, 6-0.

Ordinance 2011-07

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

AN ORDINANCE REGARDING CONSTRUCTING ADDITIONS AND/OR DECKS TO EXISTING SINGLE-FAMILY DWELLINGS , AMENDING AND SUPPLEMENTING SECTION 28-28, SUBSECTION 28-28-2(j), ENTITLED "CONTINUATION; ENLARGEMENT; REBUILDING; CHANGE OF USE," OF CHAPTER 28, "ZONING," OF THE "REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN, NEW JERSEY."

WHEREAS, the Hightstown Borough Planning Board and Zoning Officer have recommended that certain provisions be incorporated into the Hightstown Borough Code in order to allow for uniformity with conforming and non-conforming lots; and

WHEREAS, the Hightstown Borough Council has agreed with the Planning Board and Zoning Officer's recommendation, and wishes to amend and supplement the "Revised General Ordinances of the Borough of Hightstown, New Jersey" accordingly.

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

1. Section 28-28, Subsection 28-28-2(j), entitled "Continuation; Enlargement; Rebuilding; Change of Use," of

Chapter 28, "Zoning," of the "Revised General Ordinances of the Borough of Hightstown, New Jersey" is hereby amended and supplemented in order to establish the following new provisions (deletions are shown with ~~Strikeout~~):

Subsection T28-28-2T Continuation; Enlargement; Rebuilding; Change of Use.

a. Except as provided in paragraph e. below, any type of nonconforming use of buildings or land may be continued indefinitely but:

1. Shall not be enlarged or structurally altered, extended or placed on a different portion of the lot or parcel of land occupied by such use on November 6, 1978, or any applicable amendment thereof, nor shall any external evidence of such use be increased by any means whatsoever, except whereby through such alteration it is changed to a conforming use.

2. Shall not be changed to another nonconforming use without a variance from the Planning Board.

3. Shall not be reestablished after the physical operation thereof has ceased for a period of over six (6) months for any reason. Intent to resume active operation of a nonconforming use after cessation thereof shall not confer the right to do so.

b. Except as provided in paragraph d. below, no building which houses a nonconforming use shall be:

1. Structurally altered or enlarged.

2. Moved to another location where such use continues to be nonconforming.

3. Changed back to a nonconforming use if once changed to a use permitted in the district in which it is located.

c. Any nonconforming use or structure existing at the time of the passage of this chapter may be continued upon the lot or in the structure so occupied and any such structure may be repaired in the event of partial destruction thereof. If restoration of such structure is not substantially completed within the six (6) month period from the date of partial destruction, the physical operation of the nonconforming use of such structure shall be deemed to have ceased, unless such nonconforming use shall have been carried on without interruption in the undamaged portion of such structure.

d. Any building, housing a conforming use which does not conform to other than use regulations as set forth in this chapter may be rebuilt if damaged but shall not be altered or enlarged so as to increase the degree of nonconformity thereof.

e. Nothing in this section shall be deemed to prevent normal maintenance and repair of any building or the carrying out, upon issuance of a building permit, of major structural alterations or demolitions necessary in the interest of public safety. In granting such a permit, the Construction Official shall state precise reasons to the Planning Board why such alterations were deemed necessary.

f. To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this chapter and upon which actual building construction has been carried on diligently. Actual construction shall be hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner.

g. Where excavation, demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation, demolition or removal shall be deemed to be actual construction, provided that the work shall be carried on diligently.

h. All the foregoing provisions relating to nonconforming uses and buildings shall apply to all nonconforming uses and buildings existing on November 16, 1978, and to all uses and buildings that become nonconforming by reason of any amendment thereof, but not to any use established or building erected in violation of law, regardless of the time of establishment or erection.

i. Existing nonconforming conditions, including but not limited to inadequate lot size or yards and excess coverage, may be continued, but the degree of nonconformity may not be increased without securing a variance. No building may be constructed on a lot less than the minimum size for its district, even if preexisting, without securing a variance.

j. ~~Additions to existing single-family dwellings and/or decks may be constructed on existing buildings on lots less than the minimum size for their district if any such addition or decks do not themselves violate any of the yard requirements for that district. Additions to existing single-family dwellings and permitted accessory buildings which would extend into the required front, side or rear yards shall be permitted if the following conditions are met:~~

1. The existing and proposed residential use is permitted in the zone in which it is located.

2. The total lot coverage, off-street parking, garage and building height requirements of the applicable zone are met.

3. The existing residential structure does not reduce any required setback by more than fifty (50%) percent and the proposed setback of any addition does not increase any yard setback deficiency of the existing dwelling.

4. The length (front yard to rear yard) of the proposed violation of any side yard does not exceed thirty-five (35') feet.
5. All other applicable zone requirements affected by this proposed addition are met, except that existing lot area and lot width deficiencies shall not require variances, provided that all other requirements of this section are met.
2. That the provisions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found to be invalid for any reason by any court of competent jurisdiction, such judgment shall be limited in its effect only to that portion of the Ordinance actually adjudged to be invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.
3. That all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.
4. That this Ordinance shall take effect upon final passage and publication in accordance with the law.

Resolution 2011-149 Budget Self-examination

Councilmember Quattrone moved resolution 2011-149, Councilmember Woods seconded.

George Lang Chief Financial Officer gave a review of the need for this resolution.

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

Resolution adopted, 6-0.

Resolution 2011- 149

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

SELF-EXAMINATION BUDGET RESOLUTION

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Borough of Hightstown has been declared eligible to participate in the program by the Division of Local government Services, and the Chief Financial officer has determined that the local government meets the necessary conditions to participate in the program for the 2011 budget year.

NOW THEREFORE BE IT RESOLVED by the governing body of the Borough of Hightstown that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school

purposes.

2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).

3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.

4. That pursuant to the Local Budget Law:

- a. All estimates of revenue are reasonable, accurate and correctly stated,
- b. Items of appropriation are properly set forth
- c. In itemization, form, arrangement and content, the budget will
permit the exercise of the comptroller function within the municipality.

5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.

6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

Resolution 2011-150 Adopting the 2011 Budget

Borough Clerk Sopronyi read the entire Budget amendment (resolution 2011-141) aloud.

Mr. Lang, Chief Financial Officer, explained that this resolution is a part of the actual budget document and read resolution 2011-150 aloud.

Councilmember Vanderbeck moved resolution 2011-150, Councilmember Quattrone seconded.

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

Budget adopted, 6-0.

Resolution 2011-159 A Resolution of the Borough Council of the Borough of Hightstown Authorizing the Mayor to Execute a Retirement and General Release with Chief James Eufemia

The Mayor read the resolution aloud and reviewed the details of the agreement. Mr. Raffetto, the Borough Attorney, advised that there was executive session discussion regarding this agreement and it was agreed by Council that it would be added to this agenda.

Council President McGinty announced that she respectfully resigns the appointment of Council President, however will remain on Council. She stated that she feels that there has not been enough discussion on police matters and feels she can be more effective as a Councilmember; she will be asking questions for which she hopes to get answers, especially in the area of police matters. She will be voting no on this resolution.

Councilmember Vanderbeck moved resolution 2011-159, Councilmember Quattrone seconded.

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

Resolution adopted, 5-1.

Resolution 2011-159

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

**A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF HIGHTSTOWN AUTHORIZING THE MAYOR
TO EXECUTE A RETIREMENT AND GENERAL RELEASE AGREEMENT WITH CHIEF JAMES EUFEMIA**

WHEREAS, the Chief of Police, James Eufemia, has announced his intent to retire from service with Hightstown Borough effective September 1, 2011; and,

WHEREAS, the parties have discussed the matter and wish to execute a Retirement and General Release Agreement; and

WHEREAS, the Borough and Chief Eufemia have reached accord on a form of agreement.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Hightstown that the Borough hereby authorizes the Mayor to execute the attached Retirement and General Release Agreement on behalf of the Borough and the Clerk is hereby authorized to attest the same on behalf of the Borough.

With the exception of Councilmember McGinty, the Mayor and remaining Councilmembers each commented regarding the Chief's retirement and wished him the best.

Resolution 2011-160 A Resolution Authorizing that a Press Release be Issued Jointly by the Mayor and Hightstown Borough Council

Councilmember Quattrone moved resolution 2011-160, Councilmember Vanderbeck seconded.

The Mayor read the resolution aloud and reviewed the details of the press release. Councilmember McGinty commented that this resolution is a carry-over from 2011-159 and therefore she would be voting no on this resolution.

Councilmember Quattrone moved resolution 2011-160, Councilmember Vanderbeck seconded.

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

Resolution adopted, 5-1.

Resolution 2011-160

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

**RESOLUTION AUTHORIZING THAT A PRESS RELEASE BE ISSUED JOINTLY
BY THE HIGHTSTOWN MAYOR AND BOROUGH COUNCIL**

WHEREAS the Borough Council and the Mayor of Hightstown Borough have determined that a press release should be issued regarding the decision of Chief James Eufemia to retire from his position as Police Chief with the Borough of Hightstown; and

WHEREAS, the Borough Council and Mayor have discussed said release and have solicited the concurrence with Chief James Eufemia regarding same; and

WHEREAS, it has been decided that the following press release shall be distributed to the official papers of the Borough and posted to the Borough website:

"Chief James Eufemia today has announced his retirement from the Borough of Hightstown Police Department after 30 years of service. Chief Eufemia will retire effective September 1, 2011.

The Borough Council acknowledges the dedication and loyalty that the Chief has given the Borough of Hightstown throughout his career and expresses its appreciation for his service. Mayor Kirson and the Borough Council wish Chief Eufemia well in his retirement, and look forward to the next chapter in the leadership of the Hightstown Police Department."

BE IT RESOLVED that the Borough Council and the Mayor of Hightstown Borough direct the Borough Clerk to see to the publication and posting of this press release prominently on the Borough Website and send same to the official papers of the

June 6, 2011

Borough, as soon as can be accomplished.

Resolution 2011-151 Authorizing the Payment of Bills

Councilmember Gilmartin requested that item #115 on the bills list be approved separately as she has a conflict of interest with this payment.

Councilmember McGinty moved resolution 2011-151 without item #115, Councilmember Quattrone seconded.

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

Resolution adopted as amended, 6-0.

Councilmember McGinty moved payment of item #115 on the bills list, Councilmember Quattrone seconded.

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

Payment of item #115 on the bills list is approved for payment, 5-0, with one abstention.

Resolution 2011 - 151

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 \$ 84,407.03 from the following accounts

| | | |
|-----------------------|----|------------------|
| Current | \$ | 41,374.22 |
| W/S Operating | | 25,982.64 |
| General Capital | | 8,820.00 |
| Water/Sewer Capital | | - |
| Grant | | 284.95 |
| Trust | | 510.00 |
| Housing Trust | | - |
| Animal Control | | - |
| Law Enforcement Trust | | - |
| Housing Rehab Loans | | - |
| Unemployment Trust | | - |
| Escrow | | - |
| Total | \$ | <u>84,407.03</u> |

Resolution 2011-152 Authorizing Shared Services Agreement for Vehicle Maintenance Services – Robbinsville Township

Councilmember Quattrone moved resolution 2011-152, Councilmember Woods seconded.

There was discussion.

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

Resolution adopted, 6-0.

Resolution 2011-152

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

**AUTHORIZING A SHARED SERVICES AGREEMENT WITH ROBBINSVILLE TOWNSHIP FOR
AUTOMOTIVE REPAIR SERVICES**

WHEREAS, with the adoption of Resolution 2008-35 on January 7, 2008, the Borough Council approved an Interlocal Service Agreement with Robbinsville Township for the provision of Automotive Repair Services, which has been renewed each year for a one year period with the last renewal ending December 31, 2010; and

WHEREAS, the parties desire to enter into a successor Shared Services Agreement to continue the provision of these services to the Borough by Robbinsville for a three-year period, January 1, 2011 through December 31, 2013; 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, funds for this expenditure will be made available in the 2011 budget; and

WHEREAS, the continuation of this agreement is contingent upon the availability of adequate funding in the Borough's subsequent year's budgets.

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 hereby authorized to execute and the Borough Clerk to attest the Shared Services Agreement on behalf of Hightstown.
2. That, in accordance with the aforementioned agreement, Hightstown hereby designates James Eufemia, Chief of Police, to schedule and be responsible for all repairs to police vehicles and Ken Lewis, Superintendent of Public Works, to schedule and be responsible for all repairs to all other Borough-owned vehicles.
3. That, in accordance with the aforementioned agreement, no repair in excess of \$250 shall be made by Robbinsville unless specifically authorized by the designated Hightstown Borough Representative.
4. That the continuation of this agreement is contingent upon the availability of adequate funding in the Borough's 2011 and each subsequent year's budget.

Resolution 2011-153 Establishing Summer Hours for Borough Employees

Councilmember Vanderbeck moved resolution 2011-153, Councilmember Woods seconded.

There was discussion.

Roll Call Vote: Council members Bibens, Vanderbeck and Woods voted yes; Councilmembers Gilmartin, McGinty and Quattrone voted no. Mayor Kirson broke the tie vote with a yes vote.

Resolution adopted, 4-3.

Resolution 2011-153

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

ESTABLISHING SUMMER HOURS FOR BOROUGH HALL EMPLOYEES

WHEREAS, resolution 2011-05 adopted on January 3, 2011 established the schedule of Holiday and Borough business hours for the year 2011; and

WHEREAS, it is the desire of the employees of Borough Hall to revert to a summer schedule as has been done in past years; and

WHEREAS, the Environmental Commission is in support of a summer workweek schedule for Borough Hall employees to reduce energy usage and the number of vehicles travelling the roadways during rush hours; and

WHEREAS, the Mayor and Borough Council wishes to accommodate the residents of the Borough with longer hours during the summer months.

BE IT RESOLVED by the Mayor and Council of Hightstown Borough that the official summer business hours for Borough offices will be as set forth below:

1. During the period running from June 27, 2011 thru September 2, 2011, offices at Borough Hall will be open according to the following schedule:

Monday, Tuesday and Wednesday8:00 a.m. to 5:30 p.m.
Thursday8:00 a.m. to 4:30 p.m.
FridayClosed

2. The affected Borough office Employees shall be entitled to a half-hour lunch hour during the period that this summer schedule is in effect.
3. This arrangement shall not impact essential personnel including police officers, dispatchers, public works employees and sewer plant employees.

Resolution 2011-154 Renewing a Contract for Solid Waste Dumpster Service – Sakoutis Brothers Disposal, Inc.

Councilmember Quattrone moved resolution 2011-154, Councilmember McGinty seconded.

Borough Clerk Sopronyi gave an explanation of the resolution.

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

Resolution adopted, 6-0.

Resolution 2011-154

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

**RENEWING A CONTRACT FOR SOLID WASTE DUMPSTER SERVICE – SAKOUTIS
BROTHERS DISPOSAL, INC.**

WHEREAS, four (4) bids were received on June 9, 2010 for Solid Waste Dumpster Service; and,

WHEREAS, the contract was awarded to Sakoutis Brothers Disposal, Inc., of Colts Neck, New Jersey at the price of \$29,250.00 annually for a one year period; and,

WHEREAS, pursuant to N.J.S. A. 40A:11 – 15 (3) the bid was for a period of five (5) years, said contract being awarded for a period of one (1) year with the Borough reserving the right to renew at the end of each one-year contract period for a total aggregate contract period of five (5) years; and,

WHEREAS, the Purchasing Agent and Public Works Superintendent have reviewed the services provided and recommend that the contract be renewed for an additional one year period; and,

WHEREAS, funds for this expenditure in the 2011 budget; and

WHEREAS, funds for the remainder of this contract shall be made available in the 2012 budget; and

WHEREAS, funds for the continuation of this contract for the three subsequent years, should the Council decide to renew, shall be made available in the appropriate year's budget.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the contract for Solid Waste Dumpster Service in Hightstown Borough is hereby renewed with Sakoutis Brother Disposal, Inc. of Colts Neck, New Jersey for a one year period in the amount of \$29,250.00 annually with the Borough reserving the right to renew each year for a total aggregate contract period of five (5) years.

Resolution 2011-155 Authorizing the Installation of a Sign on Borough Property

Councilmember Gilmartin moved that resolution 2011-155 be tabled for a future meeting as it appears the Historic Preservation Commission is not prepared to move forward, Councilmember Bibens seconded.

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

Resolution tabled, 6-0.

Resolution 2011-156 Authorizing Issuance of Raffle License #RL-2011-009 to Hightstown Apollo Lodge #41 F&AM

Councilmember Quattrone moved resolution 2011-156, Councilmember Gilmartin seconded.

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

Resolution adopted, 6-0.

Resolution 2011-156

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

**AUTHORIZING ISSUANCE OF RAFFLE LICENSE #RL-2011-009 TO
HIGHTSTOWN APOLLO LODGE NO. 41 F&AM**

WHEREAS, the Hightstown Apollo Lodge #41 F&AM wishes to hold a Ducky Derby raffle at the Hightstown Harvest Fair on October 1, 2011 at 3:30 pm; and

WHEREAS, the group has submitted application number RA-2011-009 for this raffle, together with the required fees; and

WHEREAS, the Borough Clerk and the Chief of Police have reviewed the application and have determined that the requirements of N.J.S.A. 5:8-53, regarding the applicant, the members in charge of the game, and the game itself, have been met;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Borough Clerk is authorized to issue Raffle License No. RL-2011-009 to Hightstown Apollo Lodge #41 F&AM for their Ducky Derby to be held at the Hightstown Harvest Fair on October 1, 2011.

Resolution 2011-74 Authorizing Issuance of a Taxi License – Tu Amigo Taxi

Councilmember Gilmartin moved resolution 2011-74, Councilmember Bibens seconded.

Discussion took place regarding the requirement that Council approve taxi licenses and the process taken for review of the applications. The Borough Attorney was charged with getting samples of ordinances regarding taxi licensing from other municipalities so the issue can be reviewed. It was commented that a Taxi Driver should be able to get a license to drive for whoever they wish, not be restricted to driving for one company. It was suggested that the taxi licensing resolutions be done as a consent agenda and Councilmembers Gilmartin and Bibens withdrew their motions for resolution 2011-74.

Consent Agenda Resolutions 2011-74, 2011-75, 2011-76, 2011-77, 2011-82, 2011-85 and 2011-157

Councilmember Quattrone moved that resolution 2011-74, 2011-75, 2011-76, 2011-77, 2011-82, 2011-85 and 2011-157 be moved as a consent agenda, Councilmember Gilmartin seconded.

There was discussion regarding the need for Council to review the licensing process.

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

Resolutions adopted, 6-0.

Resolution 2011-74

BOROUGH OF HIGHTSTOWN COUNTY OF MERCER STATE OF NEW JERSEY

AUTHORIZING ISSUANCE OF TAXI OWNER'S LICENSE – TU AMIGO TAXI COMPANY

WHEREAS in accordance with Section 4-21.4 of the *Revised General Ordinances of the Borough of Hightstown*, applications for a taxicab owner's license for 2011 has been submitted by Miguel Saquicela (Tu Amigo Taxi) for the following vehicles:

| Vehicle Description | Vehicle Description |
|---|--|
| 2002 Dodge Caravan - Red VIN # 1B4GP24362B672174 Plate # OXZ6803 | 2003 Chrysler Town & Country - Red VIN # 2C8GP54L43R363051 Plate # OXZ6807 |
| 2004 Nissan Quest – Red VIN # 5N1BV28U94N315557 Plate # OXZ6804 | 2003 Dodge Caravan - Red VIN # 1D4GP24353B250016 Plate # OXZ6808 |
| 2004 Chrysler Town & Country – Red VIN # 2C4GP44R34R6063692 Plate # OXZ6805 | 2003 Dodge Gran Caravan – White VIN # 2D4GP44L23R186496 Plate # OXZ8158 |
| 2002 Chrysler Town & Country – Red VIN # 2C4GP44322R654402 Plate # OXZ7776 | 2005 Honda Odyssey – Silver VIN # 5FRNL38455B004562 Plate # OXZ7775 |

together with payment of the required fees; and

WHEREAS the following vehicles have been found to not be in compliance for reasons as listed, and are therefore not included in said licensing

| Vehicle Description | Vehicle Description |
|--|---|
| 2008 Toyota Prius – Grey VIN # JTDKB20U183309164 Plate # OXZ6808 Not listed on Insurance or Application | 2003 Chrysler Town & Country - Red VIN # 2C4GP24343R244903 Plate # OXZ7777 Not listed on Insurance Driver not listed on Insurance |
| 2005 Toyota Prius - Tan | 2005 Toyota Prius - Red |

| | |
|--|---|
| VIN # JTDKB20U653105004 Plate # OYA1425 Not listed on Application | VIN # JTDKB22U053091906 Plate # OYA1424 Not listed on Application |
| 2003 Toyota Matrix - Blue VIN # 2T1KR32E13C031244 Plate # OYA1423 Not listed on application | 2002 Toyota - Blue VIN # 4T3ZF13C72U450289 Plate # OYA1422 Not listed on application |

; and

WHEREAS the application has been reviewed by the Hightstown Police Department and the company found to be in good standing to be approved by the Borough Council to operate within this jurisdiction.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Police Department is hereby authorized to issue a 2011 taxicab owner's license to Tu Amigo Taxi, 510 Route 130, Store #B2B, East Windsor, New Jersey for eight (8) vehicles as set forth herein.

Resolution 2011-75

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

DENYING ISSUANCE OF TAXI DRIVER'S LICENSES – TU AMIGO TAXI

WHEREAS, in accordance with Section 4-21.5 of the *Revised General Ordinances of the Borough of Hightstown*, applications for A taxicab driver's license for 2011 have been submitted by the following drivers for Tu Amigo Taxi:

Miguel Tenesaca

together with payment of the required fees; and

WHEREAS, the following drivers have not filed the appropriate application for a taxi drivers license for Tu Amigo Taxi:

Elena Duque

Manuel V. Arpi

Michael J. Ordonez

Maria C. Pulla

WHEREAS, the Police Department has reviewed Miguel Tenesaca application and found that the application for Miguel Tenesaca shall be denied due to falsification of his application stating that his license has never been suspended when his record shows that his license had been suspended; and

WHEREAS, the other drivers have not filed an application to be issued a taxi driver license as required; and

WHEREAS, the Police Department has recommended the denial of said Taxi Drivers Licenses on the basis of their findings.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Hightstown, that the Taxi Driver License application submitted by Miguel Tenesaca is hereby denied based on the Police Department's investigation, and the others drivers herein listed are denied a taxi driver license as they have not filed the appropriate application with Hightstown Borough.

Resolution 2011-76

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

DENYING ISSUANCE OF A TAXI LICENSE – SUPER TAXI

WHEREAS, Manuel Mendieta of Super Taxi Company, of Hightstown New Jersey has applied for a Taxi License to operate within the borders of Hightstown Borough; and

WHEREAS, the Police Department has reviewed said application and found that the application fails to comply with the Hightstown Borough zoning ordinance requirements regarding the operation of this business; and,

WHEREAS, the Police Department has recommended the denial of said Taxi License on the basis of their findings.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Hightstown that the Taxi License application submitted by Super Taxi Company of 132 Franklin Street, Hightstown, New Jersey is hereby denied.

Resolution 2011-77

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

DENYING ISSUANCE OF TAXI DRIVER'S LICENSES – SUPER TAXI

WHEREAS in accordance with Section 4-21.5 of the *Revised General Ordinances of the Borough of Hightstown*, applications for taxicab driver's licenses for 2011 have been submitted by the following drivers for Super Taxi:

Manuel Mendieta

Juan Mendieta

together with payment of the required fees; and

WHEREAS, the Police Department has reviewed Super Taxi's application and found that the application for Super Taxi shall be denied, therefore these drivers have not applied to drive for a licensed Taxi Company within Hightstown's borders; and

WHEREAS, the Police Department has recommended the denial of said Taxi License on the basis of their findings.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Hightstown, that the Taxi Driver License applications submitted by Manuel Mendieta and Juan Mendieta are hereby denied.

Resolution 2011-82

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

DENYING ISSUANCE OF TAXI DRIVER'S LICENSE – KARINA'S TAXI

WHEREAS in accordance with Section 4-21.5 of the *Revised General Ordinances of the Borough of Hightstown*, applications for taxicab driver's licenses for 2011 have been submitted by the following driver for Karina Taxi:

Juan Ayabaca

together with payment of the required fees; and

WHEREAS, the Police Department has reviewed Juan Ayabaca's application and found that the application for Juan Ayabaca shall be denied due to falsification of his application stating that his license has never been suspended when his record shows that his license had been suspended; and

WHEREAS, the Police Department has recommended the denial of said Taxi License on the basis of their findings.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Hightstown, that the Taxi License application submitted by Juan Ayabaca of Hightstown New Jersey is hereby denied.

Resolution 2011-85

*BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER*

DENYING ISSUANCE OF TAXI DRIVER'S LICENSE – MEGA TAXI

WHEREAS in accordance with Section 4-21.5 of the *Revised General Ordinances of the Borough of Hightstown*, applications for taxicab driver's license for 2011 have been submitted by the following driver for Mega Taxi:

Cesar Guzhnay-Bernal

together with payment of the required fees; and

WHEREAS, the Police Department has reviewed Cesar Guzhnay-Bernal's application and found that the application for Cesar Guzhnay-Bernal shall be denied due to points enumerated on his driver's license, therefore this driver is not in compliance with the Revised General Ordinances of the Borough of Hightstown; and

WHEREAS, the Police Department has recommended the denial of said Taxi License on the basis of their findings.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Hightstown, that the Taxi License application submitted by Cesar Guzhnay-Bernal is hereby denied.

Resolution 2011-157

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

AUTHORIZING ISSUANCE OF TAXI DRIVER'S LICENSES – TU AMIGO TAXI

WHEREAS in accordance with Section 4-21.5 of the *Revised General Ordinances of the Borough of Hightstown*, applications for taxicab driver's licenses for 2011 have been submitted by the following drivers for Tu Amigo Taxi:

Miguel A. Saquicela

Diana Saquicela

Tatania G. Toldeo

Maria E. Alvarez

Carlos R. Coronel

Segundo O. Peralta

Abel E. Plaza – Moncada

Wilmer J. Tenesaca - Pulla

together with payment of the required fees; and

WHEREAS the applications have been reviewed by the Hightstown Police Department and the drivers found to be in good standing to be approved by the Borough Council to operate within this jurisdiction.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Police Department is hereby authorized to issue 2011 taxicab driver's licenses to the drivers as set forth herein.

The Mayor gave an update regarding code and police enforcement.

Mayor Kirson opened Public Comment Period II and the following individuals spoke: Mike Theokas, 142 Mill Run East; Eugene Sarafin, 628 S. Main Street; John Archer, 131 Bennett Place; and Darek Hahn, 102 Manlove.

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

Council/Mayor/Administrative Comments

Councilmember Woods – congratulated the Chief on his retirement. She then thanked Councilmember Quattrone for his work on the Memorial Day Parade and Dan Buriak for his work on Stockton Street project. She also encouraged the public to participate in the Greenway Bridge fundraiser and announced that a Water/Sewer meeting is coming up soon.

Councilmember Bibens – thanked Councilmember Quattrone for his work on the Memorial Day Parade and thought it was a great event; and announced that she is the co-chairperson for the Harvest Fair. She then went on to congratulate the Chief on his retirement; advised that the Farmers Market is up and running on Fridays; she is very happy about the four-way stop sign being

installed on Ward and S. Main Street; a Board of Health meeting is coming up soon; and she looks forward to a remedy to the taxi licensing ordinance.

Councilmember Vanderbeck – commented that he thinks the new four-way stop is a positive thing. He advised that the Construction Office is addressing quality of life issues such as the placement of satellite dishes, solar panels and water discharge and that ordinances in these matters will be forthcoming. He then inquired of the Borough Attorney as to what the next steps would be to appoint a new Council President for the remainder of 2011. The Borough Attorney advised that the Council must do a resolution to name a succeeding Council President.

Councilmember Gilmartin – thanked the Historic Preservation Commission, Parks & Recreation and the Chief of Police for their hard work. She advised that the Housing Authority is searching for a new Administrator and that security cameras have been installed at the facility.

Councilmember Quattrone – commented that he had met with the Fire Department and thanked everyone for their help with the Memorial Day Parade. He went on to advise that the First Aid is in need of volunteers. Councilmember Quattrone wished the Chief good luck with his retirement.

Councilmember McGinty – thanked Councilmember Quattrone for his work on the Memorial Day Parade and Dan Buriak for his work on the Stockton Street project. She then commented that she stepped down as Council President but hopes that Council addresses her questions, which she will continue to ask. She then inquired as to the status of the Borough Administrator position and gave information to the public regarding access to public records.

Mayor Kirson – announced that he was appointing Councilmember Quattrone as the Police Commissioner and advised that the Administrator position is being re-defined; he appreciates the support he has received from the Staff, and the things he has learned, through the “Acting Administrator” position.

Councilmember Gilmartin moved to adjourn the meeting at 10:25 PM and Councilmember Bibens seconded; the motion was approved unanimously.

Respectfully Submitted,

Debra L. Sopronyi
Borough Clerk