

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

The meeting was called to order by Mayor Kirson at 6:45 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 sent to 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; Michael Theokas, Borough Administrator and Frederick Raffetto, Borough Attorney.

Resolution 2011-260

Council President Quattrone moved resolution 2011-260, Councilmember Woods seconded.

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

Resolution adopted, 6-0

Resolution 2011-260

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 November 7, 2011 at approximately 6:30 pm at the First Aid building on Bank Street 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:

Contract Negotiations –Lucas & Americana

Litigation Update

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: February 7, 2012, or when the need for confidentiality no longer exists.

The public is excluded from said meeting, and further notice is dispensed with, all in accordance with sections 8 and 4a of the Open Public Meetings Act.

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

The public meeting was called to order by Mayor Kirson at 7:33 pm and he again read the Open Public Meetings Act statement.
November 7, 2011

The Flag Salute followed roll call which has remained the same.

Council President Quattrone requested a moment of silence in remembrance of those who lost their lives at Pearl Harbor.

Councilmember McGinty motioned that the agenda be amended by removing the August 15th minutes and proclamations from the agenda; resolution 2011-274 be substituted with one that she wrote; and public comment period II be moved to after the discussion items.

Council members Bibens, Quattrone, Vanderbeck and Woods objected to substituting resolution 2011-274.

There was no second for Councilmember McGinty's motion for an amended agenda; motion failed.

Councilmember Vanderbeck motioned that the agenda be amended, by removing the August 15th minutes and proclamations from the agenda; and public comment period II be moved to after the discussion items. Councilmember Gilmartin seconded. The Mayor called for a roll call vote for the amended agenda.

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

Agenda approved as amended, 6-0.

Council President Quattrone moved the minutes of June 20, 2011 executive session, July 5, 2011 executive session, August 1, 2011 open and executive sessions, August 15, 2011 open session and August 28, 2011 open session as a consent agenda; Councilmember Vanderbeck seconded. The Mayor called for a roll call vote for the approval of the minutes.

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

Minutes approved, 6-0.

Councilmember Vanderbeck moved the minutes of the July 18, 2011 executive session for approval; Council President Quattrone seconded. The Mayor called for a roll call vote for the approval of the minutes.

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

Minutes of July 18, 2011 approved 5-0, with one abstention.

The Mayor explained that the proclamations were removed from the agenda because the recipients were unable to attend this meeting, they will be presented at a future meeting.

Presentations

Environmental Commission

Barbara Jones, Chairperson of the Environmental Commission, and Joan McGee of the Watershed Commission, presented a storm water ordinance to Council. The goal of this ordinance is for all Planning Board and permit applications to require storm water run-off review by the Environmental Commission; the ordinance was reviewed with Council. Mr. Theokas advised that the ordinance must go to the Planning Board for review and comment after introduction, but prior to adoption. After discussion it was decided that this ordinance should be placed on the next agenda for introduction so it can be sent to the Planning Board for review.

Historic Preservation Commission

Rick Pratt, Chair of the Historic Preservation Commission, spoke on behalf of the HPC members regarding the proposed Lights on the Square event:

"Good evening Mayor and Council. I am Richard Pratt, and I live at 214 Stockton Street. I am a local Business Owner, Former Councilman, Former Housing Authority Commissioner, former liaison to the Planning Board, Health Commission and Historic Preservation Commission; Current member of the Planning Board and Chairman of the Historic Preservation Commission, also known as the HPC.

1. I have with me tonight Commissioners Lee Brown, Julie Ely, and George Keith. Additionally, Dr. David Martin, our Borough Historian and member of the Sons of Union Veterans of the Civil War. Doug Herrin, Head Commander of the American Legion Post #148 was not able to make it, but I have a text message to read from him.

2. According to the New Jersey DEP's Historic Preservation Office, the civil war monument is a contributing resource within the Stockton Street Historic District, which is on the NJ Register of Historic Places. As such, under the NJ Register of

Historic Places Act, if there is question whether an activity would be considered an encroachment, it is required that before 'a planned activity' takes place at or on an historic site, an application for technical assistance or project authorization must be sought from the DEP's Historic Preservation Office. No such application has been made.

3. Our borough ordinance regarding the purpose and objectives of the HPC states that the commission is "to safeguard the heritage of Hightstown Borough for future generations by preserving the resources within the Borough which reflects elements of historical significance." It further charges the commission "...to facilitate [a landmark's] appropriate reuse" and "to encourage the proper maintenance and preservation of historic resources." This puts protection of the civil war monument under our purview. In addition, the ordinance sets forth the process to obtain an Opinion from the HPC before work may begin.

4. On September 15th, following a resident letter and several impromptu conversations regarding colored lighting of the Civil War monument, the HPC voted to display only a bluish-white light on the monument, until further review of the use of colored lights could be made. This could include consulting with local veterans' groups, residents, etc. Commissioner Dan Buriak and HPC Liaison Michael Vanderbeck were absent during the discussion, but they were informed of the vote when they arrived later in the meeting.

5. The next morning, Commissioner Buriak sent an e-mail to all HPC Commissioners and liaison Vanderbeck, disagreeing with the vote and identifying Indianapolis as an example of what is appropriate. Liaison Vanderbeck replied with a recommendation that the HPC "discuss a more thoughtful 'evidence- based' approach at the next meeting."

6. On October 14th, 6 days before the October HPC meeting, the agenda for the council meeting was made available. However, the HPC was never notified – by Commissioner Buriak or council liaison Vanderbeck – that a presentation would be made by an HPC member regarding the Civil War Monument. Two council members later told me that it was my responsibility to check the council agendas, but I disagree; a liaison is a conduit, in both directions.

7. Three days later, Commissioner Buriak and Dimitri Musing made a comprehensive Power Point presentation to the council, promoting an initiative called 'Lights on the Square,' proposing to drape the Civil War Monument with lighted garlands and install additional lights and other decorations in the surrounding trees. No council member asked whether this was an HPC initiative, or even whether the HPC knew about it.

8. Even though he was aware the HPC voted against additional lighting of the monument at our September 15th meeting, our liaison did not share this information with the council. Based on assumptions by several council members that the presenters represented the wishes of the HPC, the council gave permission for Mr. Buriak and Mr. Musing to hold a tree-lighting event (with the war monument as a stand-in for a tree).

9. Our liaison did not notify the HPC of this decision.

10. Two days later, East Windsor Patch reported on the council vote, noting that Mr. Musing and Mr. Buriak are privately funding the lights and got the idea to illuminate the monument from several other monuments around the world that do similar events. Every example given, save one, is a monument that is situated in a downtown area. None are in residential districts. The prime example in Indianapolis is a 284-1/2' tall monument in the center of a large traffic circle.

11. As planned, we discussed this issue at the regularly scheduled October HPC meeting on October 20th. Mr. Buriak and Mr. Vanderbeck were not in attendance. All present were shocked that a single member would present an initiative and solicit a vote from the Borough Council on a topic which was already discussed and voted against at an HPC meeting, circumventing the Opinion process. The HPC members unanimously directed that a letter be sent to our council liaison, objecting to this series of events.

12. The following day, The Windsor-Hights Herald reported on "a new event for Hightstown, called 'Lights on the Square', in which the Monument Square would be decorated for the holidays with lights, and illuminated in the shape of a tree."

13. On the same day, the HPC's letter of objection was delivered to Liaison Mike Vanderbeck and Mayor Steve Kirson.

14. On October 25th, during a visit for car service, I spoke to Council President Larry Quattrone. He said that a vote had been taken, wheels were already in motion, and that it was too late to do anything about it.

15. The next day, I had a chance discussion with Dimitri Musing, in which he defended the initiative by saying that the town needs to do whatever it takes to bring more business to Hightstown. He also shared the Power Point presentation with me that was presented to council. Slide number 21 defines a "town square" as "an open public space commonly found in the heart of a traditional town..." and adds that "most town squares are landscapes suitable for open markets, music concerts, political rallies, and other events that require firm ground." How does the Soldier's Monument site fit any of these parameters? Located more than two blocks from the center of town, it is extremely limited in size and accessibility.

16. I consulted retired Marine Corps Colonel Herb Harmon, to gather his input on this initiative. He said, “A war monument is not a Christmas ornament. A war memorial is meant to be a serene place for contemplation and respect. It is not to be a place of celebration.”

17. On October 31st, I met with Mayor Kirson. He said that this event was good for the town, that the council had voted, and that there wasn't any way to stop it.

18. Speaking on behalf of the HPC, we have no objections to this proposal in theory – an event like this would be **fantastic** for the community and for the viability of Hightstown. However, we object strongly to using the Civil War monument as a decorative site for the holidays. It isn't an appropriate use of a war monument intended to honor dead soldiers from our community. We recommend instead that the 'Lights on the Square' concept be applied to a central location downtown, where a large group can gather and our businesses are more likely to benefit from it. This would also still allow the event to happen as planned.

19. Dr. Martin, would you like to say something?"

Dr. Martin, Historian, addressed Council and reminded them that the Civil War Memorial commemorates the dead and is not a town square; he suggested that the project be held in Hightstown's business district, not at the monument.

20. "Text message from Mr. Herrin: "My personal opinion is that the memorial should not be decorated like a Christmas tree. It is a place of solemn reflection and to pay our respects to those who have made the extreme sacrifice. I believe the intentions are good, I just don't think it is appropriate to dress up the civil war monument. – Doug Herrin, Head Commander, Post #148."

21. With the statement of these facts, and input from Dr. Martin, Mr. Herrin and the DEP, it is my hope that the Mayor and Council see that serious errors have been made, in both the process and the outcome of this proposal; 7 out of 8 HPC Commissioners respectfully request a revised vote to relocate this event downtown, or to deny it outright, and preserve the integrity of the Soldiers' Monument site.

22. If this series of errors is disregarded by the council, it will be apparent that the Mayor and Council do not respect or value this commission, and thus there is no point in having this commission. I will resign from the HPC if the vote stands.

23. Would any of the other commissioners like to say anything?"

HPC members Smith, Brown, Ely and Keith each addressed Council and stated that they would resign from the HPC if Council allowed this project to continue at the Civil War Monument.

24. I have an email from Commissioner Cox and a letter from Commissioner Carney relaying their intent to resign if the vote stands, and a similarly worded phone message from Commissioner Smith, as she is out of town and does not have access to email.

25. In Closing, our mayors and council members, past and present, put several protections in place for the sites within the historic district. They created a Historic Preservation Commission; they applied for and achieved National Historic Place status; and they created an ordinance governing the HPC's oversight of activities within the district. These measures were taken to ensure that a process was in place to protect our historic assets from encroachment.

26. However, both the HPC and the DEP were circumvented in presenting and approving the "Lights on the Square" initiative. Even when the HPC asserted its role in overseeing the historic district, the commission's input was discarded.

27. If the council intends to simply skip the entire process of oversight and approve projects arbitrarily, then the HPC has no role to play in protecting or supervising the historic district. If that is the case, the commission should be dissolved, and the ordinance made void. The HPC is not objecting to any particular activity *per se*, we simply expect the entity that set the oversight process in place to enforce it and follow it. Thank you."

There was discussion regarding the Lights on the Square and Council continued to support the project. The Mayor suggested that the vote for the adoption of resolution 2011-274 be held until after public comment.

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

Fran Palumbo, 101 Main Street – Council should have sought the advice of the HPC.

Rick Pratt, 214 Stockton Street – the issue with the Lights on the Square is not about what is liked or disliked, it is about the process.

Barbara Jones, 215 Greeley Street – the HPC should not obsess with process, she thinks the Lights on the Square is a

wonderful idea.

George Keith, 326 Lincoln Avenue – the monument is to be respected and it should not be decorated.

Gail Doran, 201 Hutchinson Street – she heard private citizens give the presentation for the Lights on the Square, not the HPC; she thinks the event would be of benefit to Hightstown and it would not be disrespectful.

Julie Ely, 6 Shagbark Lane, East Windsor – the entire Stockton Street project had the backing of the HPC and there were many hours spent on it, Council should retain the integrity of the monument and the HPC.

Dimitri Musing, 137 Stockton Street – the Lights on the Square was not a HPC initiative, it was brought forward by private citizens and he wants the project to promote Hightstown and the monument; it was not their intention to slight the HPC.

Dan Buriak, 194 Stockton Street – he presented the poster for the Lights on the Square and gave an update on the process and status of the project; stated that he donates and volunteers for Hightstown because he cares and referred to a book Reflections from the Shrine which gives the history of Hightstown and East Windsor; he stated that the monument was declared a square in 1875.

Rick Pratt, 214 Stockton Street – He appreciated that Dan Buriak likes to volunteer, but so do others and they do it for the entire town, not just Stockton Street.

Dimitri Musing, 137 Stockton Street – inquired as to how to decide the colors of lighting at the monument.

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

Resolution 2011-274 Authorizing Lights on the Square

Council President Quattrone moved resolution 2011-274 with a correction to the date of the lighting event, Councilmember McGinty seconded.

Councilmember Vanderbeck stated that this is an event and Council does not normally inquire of the HPC for temporary events; and Councilmember Woods apologized to the HPC and said she would vote in favor of this resolution. Council President Quattrone commented that communication is important and that the liaison to this commission should have been advised of what occurred at their meeting; Councilmember Gilmartin agreed. Councilmember Bibens commented that she is in favor of this project and the monument is the front gate to our community, and she hopes that the HPC commissioners reconsider their resignations. Councilmember McGinty reminded everyone that the power point presentation given at the last meeting was from Mr. Buriak and Mr. Musing, not the HPC; she cited the Borough Code and stated that there is no breach of process, the HPC does not have to give approval for this event.

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

Resolution adopted, 6-0.

Resolution 2011-274

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

AUTHORIZING LIGHTS ON THE SQUARE

WHEREAS, Certain residents have requested that the Memorial Monument on Stockton Street be adorned with lighted garland, a holiday tree and different colors lights on Friday, November 18, 2011; and

WHEREAS, a presentation regarding “Lights on the Square” was made by these residents at the Borough Council meeting of October 17, 2011; and

WHEREAS, the Mayor and Council find that “Lights on the Square” would benefit Hightstown Borough and should be implemented; and

WHEREAS, the Borough Council wishes the proper Borough Officials to move forward with acquiring a road closing permit
November 7, 2011

from Mercer County to close Stockton Street on Friday, November 25, 2011 for the lighting event and to obtain the required insurance certificate for same.

BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the proper Borough Officials are directed to acquire the required road closing permit and insurance certificate to permit the "Lights on the Square" on Friday, November 18, 2011.

Ordinance 2011-12 Final Reading and Public Hearing – An Ordinance Amending and Supplementing Section 19-2, Subsection 19-2-3, Entitled "Sewer Charges," of Chapter 19, "Water and Sewer," of the "Revised General Ordinances of the Borough of Hightstown, New Jersey"

Borough Administrator, Michael Theokas, gave a review of the ordinance and advised that Bill Searing, AWWTP Superintendent, has estimated that the anticipated increase in revenue with the new rates would average around \$22,000.00. It is not anticipated that any business will be lost with the increase in rates.

Mayor Kirson opened the public hearing on ordinance 2011-12; as nobody came forward, the public hearing was closed.

Councilmember Vanderbeck moved ordinance 2011-12 for adoption, Councilmember Gilmartin seconded.

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

Ordinance adopted, 6-0.

Ordinance 2011-12
BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY

An Ordinance AMENDING AND SUPPLEMENTING section 19-2, sub-SECTION 19-2-3, ENTITLED "sewer charges," OF CHAPTER 19, "water and sewer," OF THE "REVISED GENERAL ORDINANCES OF the borough of hightstown, NEW JERSEY"

WHEREAS, the Hightstown Advanced Wastewater Treatment Plant Superintendent, in conjunction with the Borough Water and Sewer Committee, have recommended changes and additions to the rates charged for the processing of gray water, septic and grease and/or fats ; and

WHEREAS, the Hightstown Borough Council has agreed with the Hightstown Advanced Wastewater Treatment Plant Superintendent and Borough Water and Sewer Committee 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:

Section 1. Section 19-2, Subsection 19-2-3, entitled "Sewer Charges," of Chapter 19, "Water and Sewer" 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:

Subsection 19-2-3 Sewer Charges.

The following charges and rents shall be charged for use of the sewer system. For premises connected with the water mains of the public water and sewer system owned by the Borough, a sum shall be charged in accordance with the following rates and be computed from the amount and use of water taken from the water mains during the most recently billed quarter of the calendar year as evidenced by the reading of the water meter for the premises. Sewer charges shall be based upon the following:

- | | | |
|-----|---|------------------------------|
| a. | Quarterly base charge for sewage connections (per connection unit) whether or not any water is used during the quarter | \$60.00 per unit |
| b. | Sewage usage charge per each 100 cubic feet of metered water usage (all account types) | \$3.85 |
| c. | For processing of grey water delivered via tank truck by commercial entities: | |
| (1) | For the first 1,500,000 gallons delivered by a commercial entity within a calendar year | \$30.00 per 1,000 gallons |
| (2) | For volume in excess of 1,500,000 gallons delivered by a commercial entity within a calendar year | \$26.00 per 1,000 gallons |

- (3) The contents of each tanker will be tested so as to determine the pH level of the material.
- For material with a measured pH found to be between 5.0 and 5.5, an additional surcharge will be assessed \$ 5.00 per 1,000 gallons
- For material with a measured pH found to be below 5.0, an additional surcharge will be assessed \$10.00 per 1,000 gallons
- d. For processing of septic tank waste delivered via tank truck by commercial entities:
- (1) Septic containing less than 3% total solids:
- (1.1) For the first 1,500,000 gallons delivered by a commercial entity within a calendar year \$48.00 per 1,000 gallons
- (1.2) For volume in excess of 1,500,000 gallons delivered by a commercial entity within a calendar year \$45.00 per 1,000 gallons
- (1.3) The contents of each tanker will be tested so as to determine the pH level of the material.
- For material with a measured pH found to be between 5.0 and 5.5, an additional surcharge will be assessed \$ 5.00 per 1,000 gallons
- For material with a measured pH found to be below 5.0, an additional surcharge will be assessed \$10.00 per 1,000 gallons
- (2) Septic containing greater than 3% total solids but less than 4% total solids:
- (2.1) Per 1,000 gallons \$58.00
- (2.2) The contents of each tanker will be tested so as to determine the pH level of the material.
- For material with a measured pH found to be between 5.0 and 5.5, an additional surcharge will be assessed \$ 5.00 per 1,000 gallons
- For material with a measured pH found to be below 5.0, an additional surcharge will be assessed \$10.00 per 1,000 gallons
- (3) Septic containing greater than 4% total solids but less than 5% total solids:
- (3.1) Per 1,000 gallons \$68.00
- (3.2) The contents of each tanker will be tested so as to determine the pH level of the material.
- For material with a measured pH found to be between 5.0 and 5.5, an additional surcharge will be assessed \$ 5.00 per 1,000 gallons
- For material with a measured pH found to be below 5.0, an additional surcharge will be assessed \$10.00 per 1,000 gallons
- (4) Septic containing greater than 5% total solids:

| | |
|---|---------------------------|
| (4.1) Per 1,000 gallons | \$78.00 |
| (4.2) The contents of each tanker will be tested so as to determine the pH level of the material. | |
| For material with a measured pH found to be between 5.0 and 5.5, an additional surcharge will be assessed | \$ 5.00 per 1,000 gallons |
| For material with a measured pH found to be below 5.0, an additional surcharge will be assessed 1,000 gallons | \$10.00 per |
| (5) Septic (Jugglers): Per 1,000 gallons or any portion thereof | \$78.00 |
| (5.2) The contents of each tanker will be tested so as to determine the pH level of the material. | |
| For material with a measured pH found to be between 5.0 and 5.5, an additional surcharge will be assessed | \$ 5.00 per 1,000 gallons |
| For material with a measured pH found to be below 5.0, an additional surcharge will be assessed | \$10.00 per 1,000 gallons |
| (6) Car Wash: Per 1,000 gallons or any portion thereof | \$58.00 |
| (6.1) The contents of each tanker will be tested so as to determine the pH level of the material. | |
| For material with a measured pH found to be between 5.0 and 5.5, an additional surcharge will be assessed | \$ 5.00 per 1,000 gallons |
| For material with a measured pH found to be below 5.0, an additional surcharge will be assessed | \$10.00 per 1,000 gallons |
| e. Septic from Recreational Vehicles (RV): Per 1,000 gallons or any portion thereof | \$10.00 |
| f. For processing of fats and grease derived solely from animal, and/or vegetable sources delivered via tank truck by commercial entities, BY APPOINTMENT ONLY: | \$105 per 1,000 gallons |
| g. No petroleum oil or grease from mineral sources will be accepted at the Advanced Wastewater Treatment Plant. | |
| h. The term "calendar year" as used in this Section shall be the period between January 1 and December 31. | |

Section 2. All other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

Section 3. 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 the remaining portions of this Ordinance shall be deemed severable therefrom and shall not be affected.

Section 4. This Ordinance shall take effect following final passage and publication in accordance with the law.

Resolution 2011-261 Payment of Bills

Councilmember Gilmartin requested that Item G0115 in the amount of \$186.00 be voted on separately.

Councilmember Woods moved resolution 2011-261 without item G0115, Councilmember Gilmartin seconded.

There was brief discussion.

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

Councilmember Vanderbeck moved item G0115 from the bills list, Council President Quattrone seconded.

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

Resolution adopted, 5-0 with one abstention.

Resolution 2011-261

*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 \$ 411,920.33 from the following accounts

| | |
|------------------------|-----------------------------|
| Current | \$ 174,275.46 |
| W/S Operating | 103,598.85 |
| General Capital | 21,629.40 |
| W/S Capital | 102,809.62 |
| Public Defender | |
| Animal Control Account | |
| Trust Account | 5,406.00 |
| Grant Account | 650.00 |
| Law Enforcement | |
| Housing Trust | |
| Escrow | <u>3,551.00</u> |
| Total | <u><u>\$ 411,920.33</u></u> |

Resolution 2011-262 Authorizing the Transfer of Funds in the 2011 Budget

Council President Quattrone member moved resolution 2011-262, Councilmember Gilmartin seconded.

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

Resolution adopted, 6-0.

Resolution 2011-262

November 7, 2011

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

AUTHORIZING A TRANSFER OF FUNDS IN THE 2011 BUDGET

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the following transfers in the 2011 budget are hereby authorized:

| Current: | <u>From</u> | <u>To</u> |
|----------------------------|-------------|-------------|
| Administrative & Executive | | |
| Salaries | \$ 8,000.00 | |
| Legal Services & Costs | | |
| Other Expense | | \$ 8,000.00 |
| TOTALS | \$ 8,000.00 | \$ 8,000.00 |

Resolution 2011-263 Requesting Approval for a Special Item of Revenue in the 2011 Budget

Council President Quattrone member moved resolution 2011-263, Councilmember Gilmartin seconded.

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

Resolution adopted, 6-0.

Resolution 2011-263

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

**REQUESTING APPROVAL FOR INSERTION OF A SPECIAL ITEM OF REVENUE IN THE
2011 BUDGET**

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

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

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Hightstown hereby request the Director of the Division of Local Government Services to approve the insertion of a special item of revenue and equal appropriation in the budget of the Borough of Hightstown for the year 2011 as follows:

| Source | Amount | Revenue Title | Appropriation Title |
|---|------------|--|--|
| State of New Jersey Division of Criminal Justice | \$1,437.28 | State Body Armor Replacement Fund Program | State Body Armor Replacement Fund Program |

Resolution 2011-264 Authorizing the Extension of a Temporary Use and Occupancy Agreement with Matthew Lucas and Suzette Lucas Regarding a Portion of the Property Known and Designated as Block 61.01, Lots 43, 44 and 45 Commonly Known as 401 Mercer Street Hightstown, New Jersey

Councilmember Vanderbeck moved resolution 2011-264, Councilmember McGinty seconded.

Borough Administrator Theokas reviewed the resolution.

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

Resolution adopted, 6-0.

Resolution 2011-264
*BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY*

AUTHORIZING AN EXTENSION OF A TEMPORARY USE AND OCCUPANCY AGREEMENT WITH MATTHEW LUCAS AND SUZETTE LUCAS REGARDING A PORTION OF THE PROPERTY KNOWN AND DESIGNATED AS BLOCK 61.01, LOTS 43, 44 & 45, COMMONLY KNOWN AS 401 MERCER STREET, HIGHTSTOWN, NEW JERSEY.

WHEREAS, on September 6, 2011, the Borough adopted Resolution No. 2011-222, which authorized the Borough to enter into a Temporary Use and Occupancy Agreement with Matthew Lucas and Suzette Lucas (also referenced as the “Lessors”), regarding the Borough’s temporary use of a portion of the premises owned by the Lessors located at 401 Mercer Street in the Borough of Hightstown, commonly known and designated as Block 61.01, Lots 43, 44 and 45 on the Borough’s Tax Map (hereinafter referenced as the “Property”), for the relocation of the Borough’s Police Department offices; and

WHEREAS, the said Agreement was intended to endure for a period of no longer than sixty (60) days, with the parties having the right to extend such temporary period by written mutual consent on a month to month basis thereafter; and

WHEREAS, the said temporary sixty (60) day period shall expire on or about November 5, 2011; and

WHEREAS, the parties wish to extend said temporary period for an additional six (6) months, or through **May 5, 2012**, as set forth in the attached “Extension of Temporary Use and Occupancy Agreement.”

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Mayor and Borough Council of the Borough of Hightstown that the Mayor is hereby authorized to execute and the Borough Clerk to attest the attached “Extension of Temporary Use and Occupancy Agreement” between the Borough of Hightstown and Matthew Lucas and Suzette Lucas, so that the Borough’s temporary use and occupancy of a portion of the Property (as set forth in Temporary Use and Occupancy Agreement) may endure through **May 5, 2012**.

BE IT FURTHER RESOLVED, that the extension of the said Agreement shall be subject to all of the terms and conditions set forth in the original Temporary Use and Occupancy Agreement.

BE IT FURTHER RESOLVED, that a certified copy of the within Resolution shall be provided to each of the following:

1. Matthew Lucas and Suzette Lucas
2. Debra Sopronyi, Borough Clerk
3. Michael Theokas, Borough Administrator
4. Frederick C. Raffetto, Esquire, Borough Attorney
5. Sgt. Frank Gendron, Acting Police Director

Resolution 2011-265 Authorizing Payments #1 & #2 – Bragaton Construction, Inc. (First Avenue Water Tower Painting)

Council President Quattrone moved resolution 2011-265, Councilmember Gilmartin seconded.

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

Resolution adopted, 6-0.

Resolution 2011-265

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

**AUTHORIZING PAYMENTS # 1 & #2 – BRAGATON CONSTRUCTION, INC.
(PAINTING OF THE FIRST AVENUE WATER TOWER)**

WHEREAS, on October 3, 2011, the Borough Council awarded a contract for the Painting of the First Avenue Water Tank to Bragaton Construction, Inc. of Linden, New Jersey in the amount of \$80,000.00; and,

WHEREAS, the contractor has submitted Payment Request No.1 (\$10,000.00) and Payment Request No. 2 (\$45,000.00) for work done in the total amount of \$55,000.00; and,

WHEREAS, the Architect has recommended approval of these payment requests; 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 Requests No. 1 and No. 2 from Bragaton Construction, Inc. of Linden, New Jersey in the amount of \$55,000.00, as detailed herein, is hereby approved, and the Treasurer is authorized to issue same.

Resolution 2011-266 Authorizing the Borough of Hightstown to Advertise for a Lease of Certain Borough-Owned Property Located at Block 7, Lot 41 (Route 130) on the Hightstown Borough Tax Map to a Third Party

Councilmember McGinty moved resolution 2011-266, Councilmember Woods seconded.

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

Resolution adopted, 6-0.

Resolution 2011-266

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

**A RESOLUTION AUTHORIZING THE BOROUGH OF HIGHTSTOWN TO ADVERTISE FOR
BIDS FOR A LEASE OF CERTAIN BOROUGH-OWNED PROPERTY LOCATED AT BLOCK
7, LOT 41 (ROUTE 130) ON THE HIGHTSTOWN BOROUGH TAX MAP TO A THIRD PARTY**

WHEREAS, the Mayor and Council of the Borough of Hightstown desire to solicit proposals through a publicly advertised bidding process for the lease of a portion of certain Borough-owned real property located at Block 7, Lot 41 on the Hightstown Borough Tax Map (referenced as the “property”) to the highest bidder through the submission of sealed bids in accordance with N.J.S.A. 40A:12-14(a); and

WHEREAS, the property is located near or adjacent to Route 130, and comprises a total of 5.75 acres; and

WHEREAS, the portion of the property which is intended to be leased by the Borough measures approximately 35,650 square feet (referenced as the “site”), and is depicted on a plan prepared by Menlo Engineering Associates, Inc., dated February 3, 2008, a copy of which is on file in the office of the Borough Clerk; and

WHEREAS, the site is not needed by the Borough for any public purposes of the Borough; and

WHEREAS, the Borough believes that a lease of the site to a third party shall operate as a financial benefit to the Borough, and shall be in the best interests of the residents of the Borough; and

WHEREAS, it is intended that the term of the lease shall be for ten (10) years, and that there shall be a minimum (rental) bid in the amount of Nine Thousand One Hundred and 00/100 Dollars (\$9,100.00) per year for the first year, with the rent to escalate by two and one-half percent (2-1/2%) per year thereafter; and

WHEREAS, it is also intended that, upon the expiration of the initial tenancy, the parties shall have the option to renew the lease term for an additional ten (10) year period, at a negotiated rate, and with a set annual escalation rate also to be determined by the parties; and

WHEREAS, it is also intended that the following additional condition(s), restriction(s) and limitation(s) shall be imposed upon the tenancy: The Tenant shall reimburse the Borough for any and all increases in County and School taxes that the Borough is required to pay as a result of the within lease of the site; and the site may be used by the Tenant as a parking lot for the parking of motor vehicles only.

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

1. That, in accordance with N.J.S.A. 40A:12-14(a), the Borough Clerk is hereby authorized and directed to advertise for the receipt of bids for a lease of the site to the highest bidder, for term of ten (10) years, pursuant to the terms and conditions set forth above.
2. That said lease shall be made to the highest bidder through the submission of sealed bids on or before on a date and time to be set by the Borough, which date shall be included in the advertisement.
3. That advertisement of the bid process specified herein shall be published in a newspaper circulating in the Borough by two (2) insertions at least once per week during two (2) consecutive weeks; the last publication to be not earlier than seven (7) days prior to the due date for the submission of bids.
4. That there shall be a minimum (rental) bid in the amount of Nine Thousand One Hundred Dollars (\$9,100.00) per year for the first year, with the rent to escalate by two and one-half percent (2-1/2%) per year thereafter.
5. That the following condition(s), restriction(s) and limitation(s) shall be imposed upon the tenancy, which such condition(s), restriction(s) and limitation(s) shall be specified in the advertisement referenced herein:
 - (a) Upon the expiration of the initial tenancy, the parties shall have the option to renew the lease term for an additional ten (10) year period, at a negotiated rate, and with a set annual escalation rate also to be determined by the parties.
 - (b) The Tenant shall reimburse the Borough for any and all County and School taxes that the Borough is required to pay as a result of the within lease of the site.
 - (c) The Tenant may utilize the site as a parking lot for the parking of motor vehicles only.
6. That the following disclosure is hereby being made, which disclosure shall be specified in the advertisement referenced herein and shall be acknowledged by the parties in the proposed lease documents:
 - (a) Upon information and belief, the property, or some part thereof, may have been used for landfill purposes in the past. Upon further information and belief, this alleged use of the property was terminated some time ago and the alleged landfill was properly closed in accordance with all applicable legal requirements. The Tenant shall agree to take possession of the property "AS IS" with knowledge of the above representations.
7. That the successful bidder must obtain site plan approval and/or any other approval(s) deemed necessary from the Borough's Planning Board for its intended use of the leased area. The successful bidder must also execute a Lease Agreement that is in a form satisfactory to the Borough Attorney (sample annexed as Exhibit "A"), and provide escrow funding sufficient to pay the costs of legal and engineering services associated with the lease.
8. That the lease of space shall be subject to such additional reasonable terms and conditions as are deemed necessary by the parties.
9. That, upon the completion of all the bidding, the Borough may accept the highest conforming bid or reject all bids submitted in the sole discretion of the Borough, which shall be specified in the advertisement referenced herein.
10. That acceptance or rejection of a bid shall be made not later than at the second regular meeting of the Mayor and Council

following the completion of the bidding, and, if the Mayor and Council shall not so accept the highest conforming bid, or reject all bids, said bids shall be deemed to have been rejected.

11. That any such award may be adjourned at the time advertised for not more than one week without re-advertising.

12. That all relevant Borough officials are hereby authorized and directed to perform such actions as are necessary in order to facilitate the intentions of this Resolution.

13. That a certified copy of this Resolution shall be provided to each of the following:

- a. Janice Mohr-Kminek, Borough Treasurer
- b. George Lang, Borough Chief Financial Officer
- c. Debra Sopronyi, Borough Clerk
- d. Michael Theokas, Borough Administrator
- e. Ken Lewis, Director of Borough Department of Public Works
- f. Carmela Roberts, P.E., Borough Engineer
- g. Frederick C. Raffetto, Esquire, Borough Attorney

Resolution 2011-267 Authorizing Receipt of Bids for the Restoration/Mitigation of Borough Records

Council President Quattrone moved resolution 2011-267, Councilmember Vanderbeck seconded.

There was brief discussion.

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

Resolution adopted, 6-0.

Resolution 2011-267

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

AUTHORIZING RECEIPT OF BIDS FOR THE RESTORATION/MITIGATION OF RECORDS

WHEREAS, Hurricane Irene caused extensive damage to Borough records; and

WHEREAS, it is required that permanent records be restored and microfilmed; and

WHEREAS, it is the recommendation of the Borough Clerk/QPA that bids be advertised for these services.

BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Purchasing Agent is hereby authorized to prepare specifications and advertise for bids for the restoration/mitigation of Borough documents as damaged by Hurricane Irene, and that the Borough is authorized to receive same after proper advertisement.

Resolutions 2011-268 & 2011-269

Council President Quattrone moved resolutions 2011-268 and 2011-269 together, Councilmember Vanderbeck seconded.

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

Resolutions adopted, 6-0.

Resolution 2011-268

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

**AUTHORIZING THE PROFESSIONAL SERVICES OF SOCKLER REALTY SERVICES GROUP, INC.
(APPRAISAL OF BOROUGH MUNICIPAL COMPLEX).**

WHEREAS, there is a need for the Borough of Hightstown (also referenced as the "Borough") to retain the services of a

professional real estate consultant in order to complete an appraisal of certain real property located at 148 North Main Street, more commonly known and designated as the Borough Municipal Complex; and

WHEREAS, the firm of Sockler Realty Services Group, Inc. (also referenced as the “professional”) has submitted a proposal to the Borough, dated October 26, 2011, to provide said services for \$3,500.00; and

WHEREAS, the services to be provided are considered to be “professional services” under the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for “professional services” without public advertising for bids and bidding therefor, provided that the Resolution authorizing the contract and the contract itself be 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, the Borough has determined that the amount of the contract shall not exceed \$17,500.00, and therefore the contract is not subject to the provisions of the State’s Local Unit Pay-to-Play Law, N.J.S.A. 19:44A-20.4, et seq. (the “Pay-to-Play law”); and

WHEREAS, notwithstanding the same, the contractor shall nevertheless be required to comply with and abide by the Borough’s local Pay-to-Play regulations, as set forth in Section 2-59.1, et seq., of the Borough Code; and

WHEREAS, the Borough Council, having considered the same, now wishes to authorize the awarding of this professional service contract to Sockler Realty Services Group, Inc., for provision of the necessary real estate consultant services.

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 an Agreement, in a form acceptable to the Borough Attorney, between the Borough of Hightstown and Sockler Realty Services Group, Inc., regarding the above-referenced real estate consultant services.
2. That this contract is awarded without competitive bidding as a “professional service” in accordance with N.J.S.A. 40A:11-5 of the Local Public Contracts Law of New Jersey, because the services will be performed by persons authorized by law to practice a recognized profession and it is not possible to obtain bids for such needed qualitative services.
3. That the Chief Financial Officer is directed to file a certificate of availability of sufficient funds for this contract and to attach same to this Resolution.
4. That the contractor shall be required to comply with and abide by the Borough’s local Pay-to-Play regulations, as set forth in Section 2-59.1, et seq., of the Borough Code.
5. That a certified copy of this Resolution shall be provided to each of the following:
 - (a) Peter E. Sockler, MAI, CRE, FRICS
 - (b) Debra L. Sopronyi, Qualified Purchasing Agent/Borough Clerk
 - (c) George Lang, Borough Chief Financial Officer
 - (d) Frederick C. Raffetto, Esq., Borough Attorney

Resolution 2011-269

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

**AUTHORIZING AN AGREEMENT FOR PROFESSIONAL APPRAISAL SERVICES –
SOCKLER REALTY SERVICES GROUP, INC.**

WHEREAS, there exists a need for municipal appraisal services for tax appeal and other purposes; and,

WHEREAS, the Borough Council wishes to appoint Peter E. Sockler, MAI, CRE,FRICS of the firm Sockler Realty Services Group, Inc. of Hightstown, New Jersey, as the Borough Appraiser; and

WHEREAS, the cost for the proposed services shall not exceed \$25,000.00 without further approval by the Borough Council; and,

WHEREAS, the Treasurer has certified that funds are available for this purpose in 2011 and will be made available in the 2012 budget; and,

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

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

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

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

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

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

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

1. That the Mayor is authorized to execute and the Borough Clerk to attest an Agreement between the Borough of Hightstown and Peter E. Sockler regarding the above-referenced professional appraisal 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 Sockler Realty Services Group, Inc. 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 Peter E. Sockler, Borough Appraiser; George Lang, Chief Financial Officer; and the Contract File.

Resolution 2011-270 Denying Issuance of a Taxi License – American Taxi

Councilmember McGinty moved resolution 2011-270 with the amendment that the denial is based on the advice of the Borough Attorney, Councilmember Vanderbeck seconded.

There was discussion regarding the verbiage to be used on resolutions of this nature.

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

Resolution adopted, 6-0.

Resolution 2011-270

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

DENYING ISSUANCE OF A TAXI LICENSE – AMERICAN TAXI

WHEREAS, Pablo Palacios of American Taxi Company, of East Windsor 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 ordinance requirements; and

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

WHEREAS, the Borough Council, acting on the recommendation of the Borough Attorney, finds denial of said Taxi License is appropriate.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Hightstown that the Taxi License application submitted by American Taxi Company of 391 Bolton Road, East Windsor, New Jersey is hereby denied.

Resolution 2011-271 Authorizing a Temporary Extension of Taxicab Driver's and Taxicab Owner's Licenses and Establishing a Moratorium on the Issuance of New Taxicab Driver's and Taxicab Owner's Licenses

Councilmember McGinty moved that this resolution be tabled until a time limit on the extension and moratorium can be included, Councilmember Vanderbeck seconded.

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

Resolution tabled, 6-0.

Resolutions 2011-272 & 2011-273

Councilmember Vanderbeck moved that resolutions 2011-272 and 2011-273 together, Councilmember Woods seconded.

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

Resolution adopted, 5-0 with one abstention

Resolution 2011-272

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

AUTHORIZING A REFUND FOR THE HIGHTSTOWN BOROUGH FAIR – ISIS V. NICOL

WHEREAS, Isis V. Nicol paid a vendor fee to participate in the Borough Fair with check #192 in the amount of \$55.00; and

WHEREAS, \$55.00 was deposited into account #T-12-56-286-000-836; and

WHEREAS, the vendor had a personal emergency which prevented participation in the Harvest Fair; and

WHEREAS, the Treasurer has requested that a refund in the amount of \$55.00 be issued.

BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Treasurer is hereby authorized and directed to issue a refund in the amount of \$55.00 to Isis V. Nicol, 6 Peters Court, Millstone Township, New Jersey 08535, for a vendor fee paid to participate in the Hightstown Borough Harvest Fair.

Resolution 2011-273

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

**AUTHORIZING A REFUND FOR THE HIGHTSTOWN BOROUGH FAIR – SERENITY
THERAPEUTIC MASSAGE LLC**

WHEREAS, Serenity Therapeutic Massage LLC paid a vendor fee to participate in the Borough Fair with check #2424 in the amount of \$45.00; and

WHEREAS, \$45.00 was deposited into account #T-12-56-286-000-836; and

WHEREAS, the vendor went out of business which prevented participation in the Harvest Fair; and

WHEREAS, the Treasurer has requested that a refund in the amount of \$45.00 be issued.

BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Treasurer is hereby authorized and directed to issue a refund in the amount of \$45.00 to Serenity Therapeutic Massage LLC, 109 S. Maint St., Bldg 1, Ste 19, Cranbury, New Jersey 08512, for a vendor fee paid to participate in the Hightstown Borough Harvest Fair.

Resolution 2011-275 Communities of Light

Councilmember Gilmartin moved resolution 2011-275, Councilmember Vanderbeck seconded.

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

Resolution adopted, 6-0.

Resolution 2011-275

BOROUGH OF HIGHTSTOWN COUNTY OF MERCER STATE OF NEW JERSEY

RECOGNIZING COMMUNITY OF LIGHT DAY

WHEREAS, it is the policy of Hightstown Borough to recognize organizations that have contributed to the overall benefit of the community; and

WHEREAS, Womanspace, founded in 1977, has demonstrated a unique ability to provide comfort, support services, crisis intervention and safety to women who are victims of sexual assault and domestic violence; and

WHEREAS, Womanspace, in the belief that “peace begins at home” has asked the Mercer County Community to join them in their struggle against violence toward women by participating in their Annual Community of Light Project; and,

WHEREAS, Womanspace has provided emergency shelter in secure locations and comprehensive services for victims of domestic violence since 1977 and sexual assault since 2002, for more than 39,169 women, 5,383 children and 1,016 men. Womanspace has assisted more than 204,015 callers over the last 30 years; and,

WHEREAS, Hightstown Borough applauds the efforts of Womanspace to bring an end to the circle of abuse imposed on women; and,

WHEREAS it is the desire of the Mayor and Council to urge that each and every household demonstrate their support of the concept that “peace begins at home” by placing luminaries along their driveways and sidewalks on December 12, 2011; and,

WHEREAS, the proceeds from Communities of Light 2011 will be used to fund vital services for victims of domestic violence and sexual assault.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that December 12, 2011 be proclaimed as Community of Light Day and hereby commend Womanspace on its accomplishments and wish them continued success.

Hurricane Recovery Update

Mr. Theokas gave an update regarding Hurricane Irene recovery and noted that the use and occupancy agreement with Lucas was extended and an appraisal of Borough Hall was approved tonight. The Borough is working with FEMA and insurance to determine whether Borough Hall is in a flood zone, which will have an impact on the decision made regarding the building; the decisions made now will impact the Borough for years to come so we must take our time to determine what is good for the Borough.

There was discussion regarding measures that could be taken to reduce costs for remediation.

Code Enforcement Update

Mr. Theokas gave an update on the tickets written and distributed sample ordinances regarding sump pumps discharge, parking of commercial vehicles on private property and satellite dishes. He explained that our ordinance has deficiencies in these areas and it should be addressed in the near future.

Update on Mill Property and Minute Maid

The Borough Attorney confirmed the disposition dates and the discovery period in the Rug Mill Property case have been extended. He then advised that a sub-committee is having discussion with the Plaintiff in the Minute Maid case; which is in discovery and discussion.

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

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

Mayor/Council/Administrative Comments

Councilmember Bibens – stated that the Fire Department is in the process of installation of sheet rock and they are up and running; she hopes the HPC Commissioners change their minds; she is looking forward to the Santa Parade and the Lights on the Square, she thinks it brings the community together. Councilmember Bibens then thanked all of the volunteers in the Borough.

Councilmember Gilmartin – commented that she is glad Council voted to go ahead with this event, and she is sorry that there are ill feelings over the matter. She went on to state that the Housing Authority is moving forward and the Environmental Commission is busy sponsoring a clean-up. Councilmember Gilmartin then noted that it has been educational and a pleasure to work with Councilmember Vanderbeck.

Councilmember McGinty– commended Councilmember Vanderbeck for his service to the community. She then put forward the following comments: there should be concrete information regarding Borough Hall before any decisions are made, commended Mr. Theokas for bringing information forward to Council prior to the meetings, packets should be distributed earlier than the Friday before the meetings, codification of ordinances can be performed in-house, the police sub-committee report from February should be distributed to the Borough Administrator, Police Director and in-coming Council members, information was never received from the Prosecutor's office regarding the Police Director ordinance, and the Police rules and regulations should be addressed by Council.

Councilmember Woods – commented that she spoke with a business owner in Cranbury, and Hightstown is envied for the they pulled together and moved forward after the hurricane.

Councilmember Vanderbeck – thanked the Council and expressed that it has been a privilege and honor to work with them; he hopes that Council follows up on the ordinance information given to them this evening.

Council President Quattrone – thanked Councilmember Vanderbeck for a great job on Council and the HPC for coming forward. He then advised that the Police answered nearly 1,000 calls in October; Public Works has finally settled down, but they are short-handed and their new equipment has been ordered; and good luck to the candidates in the election tomorrow. He went on to say that the Administrator and Borough Clerk are doing a great job and their dedication is appreciated.

Mayor Kirson – thanked Councilmember Vanderbeck for a great job and reminded everyone to vote in tomorrow's election. He then noted that the repairs to the firehouse are being performed by the Fireman and the court's re-location in Robbinsville seems to be working out.

Councilmember Woods motioned to adjourn at 10:30 pm, Councilmember Gilmartin seconded; the motion was approved unanimously.

Respectfully Submitted,

Debra L. Sopronyi
Borough Clerk