

Meeting Minutes
Hightstown Borough Council
Regular Meeting
March 5, 2012
7:30 pm

The meeting was called to order by Mayor Kirson at 7:30 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 flag salute followed Roll Call.

	PRESENT	ABSENT
<i>Councilmember Bibens</i>	✓	
<i>Councilmember Bluth</i>	✓	
<i>Councilmember Doran</i>	✓	
<i>Councilmember Quattrone</i>	✓	
<i>Councilmember Thibault</i>		✓
<i>Councilmember Woods</i>	✓	
<i>Mayor Kirson</i>	✓	

Also in attendance: Debra Sopronyi, Borough Clerk; Michael Theokas, Borough Administrator; Frederick Raffetto, Borough Attorney; James LeTellier, Police Director; and George Lang, CFO.

Councilmember Doran requested that there be a discussion regarding ordinance 2012-01 prior to introduction and that the first public comment period be held prior to the ordinances but after the consent agenda.

Councilmember Doran moved the agenda for approval with the amendments as noted, Councilmember Woods seconded.

Mayor Kirson called for a roll call vote on the amended agenda.

Roll Call Vote: Council members Bibens, Bluth, Doran, Quattrone, and Woods voted yes.

Agenda approved as amended, 5-0

Councilmember Doran made changes to the council comments section of the minutes of February 6, 2012 open Session minutes and Councilmember Bluth made a correction to the start time in the February 6, 2012 executive session minutes.

Council President Quattrone moved the minutes of February 6, 2012 open and executive session minutes for approval as amended; Councilmember Bibens seconded. The Mayor called for a roll call vote for the approval of the minutes.

Roll Call Vote: Council members Bibens, Bluth, Doran, Quattrone and Woods, voted yes.

Minutes approved as amended with 5-0 vote.

Consent Agenda Resolutions 2012-91, 2012-92, 2012-93, 2012-94

Mayor Kirson recognized the volunteers in the Borough noting the Fire Department and First Aid Squad; and expressed sincere thanks for their dedication.

Council President Quattrone moved the Consent Agenda consisting of resolutions 2012-91, 2012-92, 2012-93, 2012-94; Councilmember Bibens seconded.

Roll Call Vote: Council members Bibens, Bluth, Doran, Quattrone, and Woods voted yes.

Resolutions adopted, 5-0

Resolution 2012-91

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

**ACCEPTING MEMBERSHIP OF JOHN F. KAMER, JR.
IN HIGHTSTOWN ENGINE CO. NO. 1**

WHEREAS, John F. Kamer, Jr. of Groveville, New Jersey has applied for membership in Hightstown Engine Company No. 1; and

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

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

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

Resolution 2012-92

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

**ACCEPTING MEMBERSHIP OF SEAN T. KELTY
IN HIGHTSTOWN ENGINE CO. NO. 1**

WHEREAS, Sean T. Kelty of Hightstown, New Jersey has applied for membership in Hightstown Engine Company No. 1; and

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the membership of Sean T. Kelty in Hightstown Engine Company No. 1 is hereby accepted.

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

Resolution 2012-93

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

**ACCEPTING MEMBERSHIP OF MICHAEL R. STONE
IN HIGHTSTOWN ENGINE CO. NO. 1**

WHEREAS, Michael R. Stone of Hightstown, New Jersey has applied for membership in Hightstown Engine Company No. 1; and

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the membership of Michael R. Stone in Hightstown Engine Company No. 1 is hereby accepted.

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

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

**ACCEPTING MEMBERSHIP OF CYNTHIA J. MC CLENAHAN
IN HIGHTSTOWN ENGINE CO. NO. 1**

WHEREAS, Cynthia J. McClenahan of Hightstown, New Jersey has applied for membership in Hightstown Engine Company No. 1; and

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the membership of Cynthia J. McClenahan in Hightstown Engine Company No. 1 is hereby accepted.

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

The Mayor opened Public Comment Period I and the following individuals spoke:

Phyllis Deal, 305 Stockton Street – noted that she has not yet received an application from the Historic Preservation Commission for a plaque on her house.

George Serrano, 4 Westerlea Avenue – commented that the behavior of the High School Students is particularly bad and they should be parking in the school lot, not in his apartment complex; there should be police coverage in the area from 2:30 – 3:00pm to see taxis passing school buses and buying liquor for the students.

Eugene Sarafin, 628 S. Main Street – stated that the boat ordinance is needed and government should stop micro-managing everything; commented regarding the Presidential Campaign.

Skye Gilmartin, 41 Powell Court – commented that the Fire Department needs a boat since the lake is being used more often; complimented Council on the taxi ordinance; suggested that Council consider Councilmember Woods previous recommendations regarding police promotions.

J P Gibbons, 602 S. Main Street – asked if the Fire Department checked with the military to see if they could get a boat from surplus and agreed that the boat is needed; congratulated the new Council members; remarked on the possible restrictions on the public comment periods; stated that he is holding Council accountable for the delay in rehabilitating Borough Hall.

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

FIRE DEPARTMENT BOAT AND ORDINANCE 2012-01

Scott Jenkins, Deputy Fire Chief stated that his boat was on loan to the Fire Department, but it is too big and they had no room to store it; and if used, this boat could take at least 10 minutes to launch. The inflatable Zodiak that the Fire Department wants to buy takes less storage and can be inflated and launched in a lot less time. He commented that when lives are in danger, time is of the essence and this boat could also easily be used for ice rescues.

Council President Quattrone reminded Council that this boat was requested to be in the capital budget for 2011, but did not get approved. He continued that a boat is needed and the Zodiak would be very useful; the Borough has a lake and a responsibility to make sure that the proper equipment is available for rescues.

There was discussion regarding the events held on or at the lake and the need to call other resources for a boat when needed. It was commented that there is a compelling argument for the need. After further discussion, Council requested that the Fire Department check into pricing on the boat and see if there may be military surplus available. The ordinance was tabled pending the findings in this matter.

Ordinance 2012-01 Introduction and First Reading – An Ordinance Appropriating \$10,000.00 from the Capital Fund Balance for the Purchase of a Boat for the Fire Department

Councilmember Doran moved that ordinance 2012-01 be tabled; Councilmember Bluth seconded.

Roll Call Vote: Council members Bibens, Bluth, Doran, Quattrone, and Woods voted yes.

Ordinance tabled, 5-0

Ordinance 2012-02 Introduction and First Reading – An Ordinance Amending and Supplementing Section 4-21, Entitled “Taxicab Licensing”, of the Revised General Ordinances of the Borough of Hightstown, New Jersey.”

Council President Quattrone moved ordinance 2012-02 for introduction; Councilmember Doran seconded.

Frederick Raffetto, Borough Attorney, reviewed the changes made to the previously presented draft ordinance pursuant to Council discussion and clarified the penalties and fines. There was discussion regarding insurance limit requirements, the prohibition of license transfers, police guidance regarding taxi stands and locations for same, and the cost of licenses.

Roll Call Vote: Council members Bibens, Bluth, Doran, Quattrone, and Woods voted yes.

Ordinance introduced, 5-0; Public Hearing is scheduled for March 19, 2012.

Ordinance 2012-02
BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 4-21, ENTITLED “TAXICAB LICENSING,” OF THE “REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN, NEW JERSEY.”

WHEREAS, the Mayor and Council wish to amend certain provisions contained within Section 4-21 of the Borough Code relating to Taxicab Licensing as set forth herein.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Borough Council of the Borough of Hightstown, in the County of Mercer and State of New Jersey, that Section 4-21 of the “Revised General Ordinances of the Borough of Hightstown, New Jersey” is hereby amended and supplemented as follows (additions are shown with underline; deletions are shown with ~~strikeout~~):

Section 4-21

TAXICAB LICENSING

4-21.1 Definitions.

As used in this section, the following terms shall have the meanings indicated:

Cruising shall mean the driving of an empty taxicab along a public street at a slow rate of speed for the obvious purpose of soliciting passengers.

Driver shall mean any person who operates a taxicab within the Borough, whether or not such person is also the owner thereof.

Operation of a taxicab shall mean transporting in a taxicab one (1) or more persons for hire. Accepting a passenger to be transported for hire from a point of departure within the Borough to a destination within or without the Borough shall be considered "operation of a taxicab" within the Borough. The "operation of a taxicab" by one other than the owner shall be deemed operation by the owner as well as by the person actually driving the taxi. The transportation of any person other than the owner or driver in any motor vehicle bearing a sign using the words "taxi," "taxicab," "cab" or "hack" shall be prima facie evidence of operation.

Owner shall mean any person in whose name title to any taxicab is registered with the New Jersey Division of Motor Vehicles or who appears in the Division's records to be a conditional vendee or lessee or has any other proprietary interest in a taxicab.

Police Commissioner shall mean the member of the Borough Council designated as such on an annual basis by the Mayor, pursuant to Section 2-19.3 of the Borough Code.

Police Director shall mean the person appointed by the Governing Body to serve as the executive head of the Police Department.

in accordance with Section 2-19.4 of the Borough Code.

Taxicab or taxi or cab shall mean a motor vehicle used to transport passengers for hire which does not operate over a fixed route and is not hired by the day or hour.

Taxicab Stand shall mean a section of a public street or of a public place set apart for the exclusive use of a taxicab or a limited number of taxicabs when such section is distinctly marked as such by an appropriate sign attached to a stanchion on the curb or other conspicuous place or by clearly visible marks upon the surface of a street or public place.

4-21.2 Licenses Required.

- a. No person shall operate a taxicab within the Borough unless both the owner and the driver of the taxicab are licensed under this section.
- b. The Borough will make available on an annual basis a maximum of four (4) taxicab owner's licenses, each of which shall permit the owner to operate a maximum of four (4) taxicab vehicles within the Borough. Licenses shall be awarded on a first come, first served qualifying basis. Those licensees that have been previously licensed by the Borough during the prior year and who remain in good standing and who have submitted their renewal statement (per Subsection 4-21.4g below) to the Borough prior to January 1st, shall be afforded the first opportunity for re-licensing. All other applicants shall be afforded the opportunity to obtain a taxicab owner's license after January 1st.

4-21.3 Types of Licenses.

- a. Taxicab Driver's License. The holder of a taxicab driver's license shall be entitled to operate within the Borough any taxicab whose owner has been licensed under this Section.
- b. Taxicab Owner's License. The holder of a taxicab owner's license shall be entitled to operate a taxicab owned by him within the Borough, provided that the person driving the cab holds a valid taxicab driver's license.

4-21.4 Licensing of Taxicab Owners.

- a. Application Information.
 1. Application for a taxicab owner's license shall be made to the Borough Clerk on forms provided by her. Any changes to the information included in the application which occur during the licensing period shall be reported to the Borough Clerk in writing within three (3) calendar days of the change.
 2. Applications shall be signed and verified by oath or affirmation by the applicant. Applications by a partnership shall give the information required for each partner and shall be signed and verified by all partners. Applications by a corporation shall give the information required for and be signed and verified by all officers and directors and all persons holding more than ten (10%) percent of the corporation's common stock, as well as by a person duly authorized to act for the corporation itself.
 3. Applications received after the effective date of this Ordinance for new licenses or for renewal of existing licenses must be accompanied by proof of automobile liability insurance issued by a company licensed and admitted to transact business in the State of New Jersey, and acceptable to the Borough, indicating limits of liability in amounts not less than the following: \$50,000 per person and \$100,000 per accident for bodily injury or death and \$50,000 per accident for property damage. Proof of insurance must also indicate that insurance coverage applies to all owned vehicles of the applicant or must specify by description all of the vehicles to which the coverage applies. Said proof of insurance must also indicate that the Borough will be notified with thirty (30) days advance notice should the coverage be cancelled or non-renewed, except no less than ten (10) days advance notice for non-payment of premium. The Borough of Hightstown shall be named as an additional insured on any insurance policy submitted in accordance with the requirements of this section.
 4. Information about each taxicab vehicle to be operated under the taxicab owner's license shall be

provided, including the following:

- (a) Vehicle year, make, model and color of vehicle.
- (b) Vehicle identification number.
- (c) New Jersey State license plate number.
- (d) Passenger capacity.
- (e) Insurance company, policy number and expiration date.

5. Any person who shall make a false statement in any license application or in any record or certificate that (s)he is required to file or maintain shall be subject to rejection of the application submitted and/or to appropriate disciplinary sanctions, including license suspension or revocation, in addition to any penalty provided under the New Jersey Criminal Code.

- b. Investigation; Grant or Denial of License Hearing before Council. ~~The Chief of Police or a Police Officer designated by him~~ Police Director or his designee shall investigate the application. A copy of the application shall also be provided to the Zoning Officer for review and for a determination that the proposed location of the taxi operation does not violate applicable zoning regulations. A report containing the results of the Police investigation and evaluation, a recommendation by the ~~Chief of Police~~ Police Director or his designee that the license be granted or denied, and the reasons for his such recommendation shall be forwarded to the ~~Council~~ Borough Administrator and the Police Commissioner. A report regarding the Zoning Officer's findings shall also be provided to the ~~Council~~ Borough Administrator and the Police Commissioner. The Borough Clerk shall ensure that copies of these reports are also made available to the applicant. Based upon the findings set forth in the reports, the Borough Administrator shall determine whether to grant or deny the license. Said determination shall be rendered in writing and shall be provided to the applicant. ~~In those cases where the Chief of Police or his designee, or the Zoning Officer, has recommended against issuing the license, the applicant shall be afforded the opportunity for a hearing before the Borough Council. Any request for a hearing must be made within ten (10) days of the applicant's receipt of the applicable report. At the hearing, the applicant shall have the right to be represented by counsel and will be afforded the opportunity to testify himself or to present witnesses in support of his position, to cross-examine opposing witnesses and, at his own expense, to have a stenographic record made of the proceedings. At the conclusion of the hearing, the Council will determine whether to grant or deny the license.~~
- c. Factors Considered. In determining whether to grant or deny the license, the ~~Council~~ Borough Administrator shall take into consideration the following factors:
 - 1. The character, business and financial responsibility and experience of the applicant and the probability that, if granted a license, the applicant will operate his taxicab in accordance with the provisions of this section.
 - 2. Any other factors directly related to the granting or denial of the license which would substantially affect the public safety or convenience.
- d. Issuance of License. ~~The Council shall, by resolution, grant or deny the license.~~ If the application is approved by the Borough Administrator, the Clerk shall issue the license.
- e. License Term; Fees.
 - 1. A taxicab owner's license shall be valid for the remainder of the calendar year for which it is issued.
 - 2. The license fee shall be ~~fifty (\$50.00)~~ one hundred (\$100.00) dollars per year or portion thereof per vehicle and shall be nonrefundable in the event that the application is denied.
- f. In those cases where the Borough Administrator has denied the license, the applicant shall be afforded the opportunity for a hearing before the Police Commissioner. Any request for a hearing must be made within ten (10) days of the applicant's receipt of written notice of denial from the Borough Administrator. At the hearing, the applicant shall have the right to be represented by counsel and will be afforded the opportunity to testify himself or to present witnesses in support of his position, to cross-examine opposing witnesses and, at his own expense, to have a stenographic record made of the proceedings. Following the hearing, the Police Commissioner's determination shall be final.

- f. g. Renewals. A taxicab owner's license may be renewed by the Council Borough Administrator without a hearing upon the licensee's filing with the Chief of Police Police Director or his designee a sworn notarized statement certifying that there have been no changes in the information contained in the initial application.
- h. Any change(s) in the information contained within the owner's license application shall be reported to the Borough Clerk within three (3) days thereof. A charge in the amount of twenty-five (\$25.00) dollars shall be levied for each calendar day after three days that any such changes are not reported to the Borough.

4-21.5 Licensing of Taxicab Drivers.

- a. Applications.
1. Application for a taxicab driver's license shall be made annually to the Borough Clerk upon forms provided by her office, and shall be forwarded to the Chief of Police Police Director or his designee for investigation and approval. ~~Applications shall be completed by the applicant in the presence of the Borough Clerk or her designee, and shall be taken in the Clerk's office only, during days and hours established by the Clerk. Except as hereinafter provided, applicants shall have the following minimum qualifications:~~
- (a) Applicant must be over twenty-one (21) years of age.
 - (b) Applicant must be a United States citizen or a legal resident alien. A copy of the alien registration card or work permit must be submitted with the application.
 - (c) Applicant must possess a valid New Jersey driver's license.
 - (d) Applicant must supply a certification from a licensed physician, on a form to be provided by the Borough Clerk, indicating that the applicant has been examined within the past sixty (60) days and is in sound physical condition, has eyesight corrected to 20/20 vision and is not subject to any infirmity of body or mind which might render the applicant unfit for safe operation of a vehicle for hire.
 - (e) Applicant must certify that he/she is not addicted to the use of narcotics or intoxicating liquors.
 - (f) Applicant must be able to read, write and understand the English language.
 - (g) Applicant must not have been convicted of any crime involving moral turpitude submit to the performance of a criminal history record background check paid at their own expense. The operator/driver shall be disqualified from operating or driving a taxi within the Borough, and shall not be issued a taxicab driver's license, if a criminal history record background check reveals a record of conviction of any of the following crimes:
 - Aggravated assault;
 - Arson;
 - Burglary;
 - Escape;
 - Extortion;
 - Homicide;
 - Kidnapping;
 - Robbery;
 - Aggravated Sexual assault;
 - Sexual assault;
 - Endangering the welfare of a child pursuant to N.J.S.A. 2C:24-4, whether or not armed with or having in his possession any weapon enumerated in subsection "t." of N.J.S.A. 2C:39-1; or
 - A crime pursuant to the provisions of N.J.S.A. 2C:39-3, N.J.S.A. 2C:39-4 or 2C:39-9, or other than a disorderly persons or petty disorderly persons offense for the unlawful use, possession or sale of a controlled dangerous substance as defined in N.J.S.A. 2C:35-2.

If a person who has been convicted of one of the crimes listed above can produce a certificate of rehabilitation issued pursuant to N.J.S.A. 2A:168A-8 or, if the criminal offense occurred outside New Jersey, an equivalent certificate from the jurisdiction where the criminal offense occurred, then the criminal offense shall not disqualify the applicant from operating or driving a taxicab within the Borough.

Drivers who received consent to operate a taxicab within the Borough prior to the effective date of P.L. 2011, c.135 shall not be required to submit to a criminal history record background check.

- (h) Applicant must have a thorough knowledge of the law, traffic regulations and geography of the Borough of Hightstown, the Motor Vehicle Act, the Traffic Act and other ordinances and regulations having to do with traffic. Each applicant may be examined as to his or her knowledge of these provisions, and if the result of the examination is unsatisfactory, the application shall be refused a license.
- (i) Applicant must be fingerprinted by the Police Department, with a report therein received from the State Police or Federal Bureau of Investigation.
- (j) Applicant must not have been convicted, within the three years prior to the date of the application, of reckless driving, driving while intoxicated, leaving the scene of an accident or driving more than 30 miles an hour above the speed limit.
- (k) At the time of application, applicant must have no more than ~~eight (8)~~ six (6) New Jersey State Division of Motor Vehicle points on his or her driving record, or the equivalent if licensed in any other state .
- (l) Requirements (d) and (i) above, regarding physician's certification and fingerprinting, shall not apply to any taxicab driver who holds a valid taxicab driver's license in any other Mercer County municipality and whose firm is licensed in and operating out of said municipality. Such person(s) shall be qualified to obtain a taxicab driver's license in Hightstown upon completion of the application form, payment of the required fee and submission of the following documentation:
 - Certification by applicant that he or she meets requirements (a), (b), (e), (f), (g), (h), (i), (j) and (k) of Section 4-21.5(a)(1).
 - If not a United States citizen, a copy of alien registration card or work permit.
 - Current valid taxicab driver's license from any other Mercer County municipality.
 - Valid New Jersey's driver's license.

- 2. The application shall be accompanied by a fee of fifty (\$50.00) dollars for the ~~initial~~ license period.
- 3. The application shall be accompanied by two (2) un-mounted, un-retouched glossy photographs of the applicant taken within thirty (30) days preceding filing of the application. Photographs shall be two and one-half inches (2 1/2") by two and one-half inches (2 1/2") in size. New photographs shall be submitted whenever the licensee's appearance changes significantly.
- 4. Any person who shall make a false statement in any license application or in any record or certificate that (s)he is required to file or maintain shall be subject to rejection of the application submitted and/or to appropriate disciplinary sanctions, including license suspension or revocation, in addition to any penalty provided under the New Jersey Criminal Code.

- b. Investigation; Grant or Denial of License Hearing before Council. ~~The Chief of Police or a police officer designated by him~~ Police Director or his designee shall investigate the application and shall report the results to the ~~Council~~ Borough Administrator and the Police Commissioner within a reasonable time. The report shall include a recommendation that the license be granted or denied and the reasons therefor. The Borough Clerk shall ensure that a copy of the report is made available to the applicant. Based upon the findings set

~~forth in the report, the Borough Administrator shall determine whether to grant or deny the license. In those cases where the Chief of Police or his designee has recommended against issuing the license, the applicant shall be afforded the opportunity for a hearing before the Borough Council. Any request for a hearing must be made within ten (10) days of the applicant's receipt of the Police Chief's report. At the hearing, the applicant shall have the right to be represented by counsel and will be afforded the opportunity to testify himself or to present witnesses in support of his position, to cross-examine opposing witnesses and, at his own expense, to have a stenographic record made of the proceedings. At the conclusion of the hearing, the Council will determine whether to grant or deny the license.~~

- c. Issuance of License; Contents. Upon approval of the application by the ~~Council~~ Borough Administrator, the Clerk shall immediately issue the applicant a taxicab driver's license. The license shall contain the licensee's name and address, physical description, signature and photograph.
- d. Term of License; Fees; Renewal. An initial license to drive a taxicab shall be valid for the remainder of the calendar year in which it is issued, and shall be subject to a non-prorated fee of fifty (\$50.00) dollars. A taxicab driver's license may be renewed annually thereafter, unless it has been revoked or suspended, upon the payment of a renewal fee of fifty (\$50.00) dollars.
- e. Use of License. Taxicab driver's licenses are valid for use with any licensed taxi within the Borough of Hightstown.
- f. In those cases where the Borough Administrator has denied the license, the applicant shall be afforded the opportunity for a hearing before the Police Commissioner. Any request for a hearing must be made within ten (10) days of the applicant's receipt of written notice of denial from the Borough Administrator. At the hearing, the applicant shall have the right to be represented by counsel and will be afforded the opportunity to testify himself or to present witnesses in support of his position, to cross-examine opposing witnesses and, at his own expense, to have a stenographic record made of the proceedings. Following the hearing, the Police Commissioner's determination shall be final.
- g. Any change(s) in the information contained within the driver's license application shall be reported to the Borough Clerk within three (3) days thereof. A charge in the amount of twenty-five (\$25.00) dollars shall be levied for each calendar day after three days that any such changes are not reported to the Borough.

4-21.6 Display of Licenses ~~and Fares Required.~~

- a. ~~The taxicab owner's license shall be displayed prominently in the interior of each cab. Rates of fares shall be posted in each taxicab.~~
- b. The taxicab driver's license must be conspicuously displayed on the driver's outer garment when the driver is on duty.

4-21.7 ~~Inspection of Vehicles.~~

- a. ~~Initial Inspection. Before any vehicle is used as a taxicab within the Borough, it shall be inspected by the Chief of Police or a police officer designated by him.~~
 - 1. ~~All vehicles will be photographed at the time of inspection.~~
 - 2. ~~Inspections will be conducted by appointment only.~~
 - 3. ~~Vehicles must be maintained in a safe, clean and sanitary condition.~~
 - 4. ~~Vehicles must contain all safety devices required by law.~~
 - 5. ~~Each vehicle must have at least one Federally-approved child restraint seat available at all times.~~

6. ~~No vehicle may be more than ten (10) years old at the time of inspection.~~

- b. ~~Reinspections. All taxicabs shall be reinspected annually, or more often if the Council so requires by resolution. In addition, any police officer may inspect any taxicab at any reasonable time to determine if it is clean, sanitary and in a safe and proper operating condition.~~
- e. ~~Failure to Pass Inspection. Any taxicab which fails to pass inspection shall be immediately taken out of service and shall not be operated again within the Borough until the defects which led to its rejection are corrected. In the case of minor defects which do not constitute an immediate danger to the health or safety of the public, the taxicab may continue to be operated for a period of one (1) week, at the end of which time it shall be reinspected. If the defect has not by then been corrected, the vehicle shall immediately be taken out of service and remain out of service until the defect is corrected. (Ord. No. 2005-29)~~

~~4-21.8~~ 4-21.7 **Exterior Taxicab Identification Required.**

- a. ~~Identification Required. Each taxicab operated in the Borough shall have a sign permitted on each rear door. The sign shall contain the owner's name, the words "taxicab" or "taxi," telephone number and vehicle number in letters not less than four (4) inches nor more than eight (8) inches in height. All taxicabs shall display on the body of the vehicle their taxi license number along with a listing of each municipality that has issued a taxi license to that taxicab. The taxi license number shall be three (3) inches in height and must be located in the center of the rear quarter panels on the driver and passenger sides as well as the rear center line of the trunk of the vehicle. The list of each municipality shall be displayed on each rear door in letters three (3) inches in height.~~
- b. ~~Imitation of Color Scheme or Insignia. No taxicab operated in the Borough shall imitate the color scheme or any identifying design or insignia of another taxicab lawfully operating in the Borough, nor shall one taxicab have a color scheme or identifying design or insignia which is so similar to that of another taxicab as to be likely to have a tendency to mislead the public. The person first using a particular color scheme or identifying design or insignia for his taxicab shall have the prior right to it.~~

~~4-21.9~~ 4-21.8 **Fares.**

- a. ~~Rates of Fare. Fares shall be conspicuously displayed in each taxicab.~~
- b. ~~Receipts. The driver of a taxicab, upon request, shall give the passenger a receipt for the amount charged. The receipt shall show the name of the owner, the license number of the taxicab, the amount of the fare and the date of the transaction.~~
- c. ~~Refusal to Pay Fare. No person, after hiring a taxicab, shall refuse to pay the legal fare, nor shall any person hire a taxicab with the intent not to pay the legal fare.~~

4-21.9 **Taxicab Stands.**

- a. Designation of stands. The Council may designate, by resolution, a taxicab stand or stands within the Borough. When a taxicab stand or stands is/are designated, the procedures of this section shall apply.
- b. Regulations regarding taxicab stands.
 - 1. No taxicab shall remain idle at any place in or upon any of the streets or highways or any other public place within the Borough, either awaiting employment for hire or awaiting a passenger pursuant to a contract for hire, except at designated taxicab stands.
 - 2. Every taxicab, while occupying space at a public taxicab stand, shall be immediately available for hire.
 - 3. Only a taxicab licensed by Hightstown Borough may occupy or deliver a passenger to a taxicab stand in the Borough.

4. When the area designated for standing is fully occupied, no other taxicab shall remain at such stand while waiting for employment.
5. As a taxicab shall leave the line or move forward, the taxicab behind it shall be moved forward, and the driver of another taxicab seeking a space at the stand shall approach from the rear of the stand and shall stop as near as possible to the last taxicab in line.
6. Each taxicab stand shall be marked with suitable markings, which shall bear a statement that the stand is reserved for taxicabs licensed by Hightstown Borough only.
7. No taxicab shall remain in a taxicab stand while unattended.
8. No person operating a taxicab shall perform maintenance of any kind while occupying space at a public taxicab stand.
9. Roof lights shall be illuminated between dusk and dawn while occupying space at a public taxicab stand.

4-21.10 Operating Regulations.

- a. Licenses issued pursuant to this chapter are not transferable.
- b. A driver shall immediately surrender his or her taxicab driver's license to the Borough upon the suspension or revocation of his or her New Jersey driver's license.
- c. No person shall present, hold out or advertise any taxicab vehicle for hire within the Borough unless said vehicle is properly licensed under a valid taxicab owner's license.
- d. Cruising is prohibited within the Borough.
- e. No person, while operating or attending a taxicab for hire, shall:
 1. Use indecent or profane language;
 2. Purposely annoy any travelers or citizens;
 3. Obstruct any sidewalk; or
 4. Knowingly misinform or mislead any person as to the location of a destination.
- f. Any motor vehicle accident involving a taxicab and causing injury to a person or damage to property in excess of \$500.00 shall be reported immediately to the Hightstown Borough Police Department. Such information shall be placed in the Borough's records regarding the taxicab owner and taxicab driver.
- g. All taxicab drivers shall keep trip records and receipt books, which shall be kept current and shall be displayed when so requested by authorized Borough officials. Trip records shall show, at a minimum, the trip designation, and the time and fare charged.
- h. All taxicab vehicles shall be kept clean and free of debris.
- i. All taxicab vehicles shall be maintained in a repaired condition and shall be safe for the transportation of passengers.
- j. Each licensed taxicab driver shall be clean in person and fully dressed while on duty.
- k. Taxicab drivers and passengers shall refrain from smoking within the taxicab vehicle while a hired trip is in progress. This prohibition shall be conspicuously posted in each Borough licensed taxicab vehicle.

- l. Taxicab drivers shall, immediately after the conclusion of their on-duty time, carefully search the taxicab for any property lost or left therein, and shall, within twenty-four (24) hours after finding any such property, advise the Hightstown Borough Police Department of the nature of the property and where it may be collected.

~~4-21.10~~ 4-21.11 Promulgation of Additional Rules and Regulations; Copies to Be Distributed.

The Council may establish, by resolution, such additional rules and regulations relating to the operation of taxicabs and the conduct of licensees as it deems appropriate. A copy of the rules and regulations shall be furnished to each licensee. Violations of any such additional rules and regulations shall be deemed to constitute a violation of this chapter.

~~4-21.11~~ 4-21.12 Unlawful Activities.

All drivers shall be licensed personnel, and taxicabs shall be used exclusively for purposes of transportation of passengers and their baggage. No owner or driver shall be obliged to transport any person who is not orderly.

~~4-21.12~~ 4-21.13 Suspension or Revocation of Licenses.

- a. In the case of an emergency, licenses may be temporarily suspended for not more than seven (7) days by the Police Director or his designee.
- ~~a.~~ b. Licenses may be otherwise suspended or revoked, for cause, by the Borough Council after reasonable notice and a hearing. At said hearing, the licensee shall have the right to be represented by counsel and will be afforded the opportunity to testify himself or to present witnesses in support of his position, to cross-examine opposing witnesses and, at his own expense, to have a stenographic record made of the proceedings. At the conclusion of the hearing, the Council will determine whether to suspend the license or to permanently revoke the license. Any license so suspended or revoked shall not be re-issued except for good reasons shown.

In addition to the causes for revocation of a license set forth in subsection 4-1.10, any license issued under this ~~section~~ chapter may be revoked or suspended; by the Borough Council, or any application for the issuance or renewal of a license denied, for any of the following reasons:

1. Failure to render reasonable, prompt, safe and adequate taxicab service.
2. The existence of a judgment unsatisfied of record against the licensee or applicant in any suit arising over the operation of a motor vehicle.
3. Permitting any taxicab owned or driven by the licensee to become unsafe, unsanitary or dirty.
4. Failure to comply with all applicable laws of the State of New Jersey, the ordinances of the Borough or the rules and regulations adopted in accordance with this ~~section~~ chapter.
- ~~4.~~ Where taxicab vehicles are found to be unsafe, unfit or unsuited for public patronage.
- ~~5.~~ Where taxicab vehicles are found to be used for any improper, immoral or illegal business or purpose or for the violation of any federal or state statute or for the violation of any of the provisions of this chapter.
- ~~6.~~ Failure to maintain the proper amount of insurance on licensed taxicab vehicles pursuant to valid and effective insurance policies, as required by this chapter.

~~b.~~ c. Drivers. If the licensee is a driver, his license may also be revoked or suspended by the Borough Council for the following reasons:

1. Revocation or suspension of his New Jersey motor vehicle operator's license.
2. Contraction by the licensee of a communicable or contagious disease.

3. Operating a taxicab in a reckless or grossly negligent manner or habitually operating a taxicab in a negligent manner.

4-21.13 4-21.14 Complaints; Enforcement.

- a. All complaints shall be submitted to the Hightstown Police Department.
- b. Enforcement of Section 4-21 shall be the responsibility of the Hightstown Police Department.

4-21.15 Violations and Penalties.

- a. Licenses issued pursuant to this chapter may be suspended or revoked in accordance with Section 4-21.13, for the reasons set forth therein.
- b. For other violations of this chapter, any person convicted thereof shall be subject to the penalties set forth in Section 1-5 of the Borough Code.

BE IT FURTHER ORDAINED, that all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies; and

BE IT FURTHER ORDAINED, that 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; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect on upon final passage and publication in accordance with the law.

Resolution 2012-95 Authorizing the Payment of Bills

Council President Quattrone moved Resolution 2012-95; Councilmember Woods seconded.

Roll Call Vote: Council members Bibens, Bluth, Doran, Quattrone, and Woods voted yes.

Resolution adopted, 5-0.

Resolution 2012-95

*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 Borough Administrator, appropriate Department Head and the Treasurer in the amount of \$ 271,208.55 from the following accounts

	\$
Current	66,732.74
	153,083.1
W/S Operating	4
	48,423.1
General Capital	0
Water/Sewer Capital	
Grant	1,883.5
Trust	2
Housing Trust	-

Animal Control		1,086.0
Law Enforcement Trust	5	
Housing Rehab Loans		-
Unemployment Trust		-
Escrow		
		<hr/>
		\$
Total		<u>271,208.55</u>

Resolution 2012-96 Canceling General Capital Improvement Appropriation Balances

Council President Quattrone moved Resolution 2012-96; Councilmember Bibens seconded.

Mayor Kirson explained this resolution.

Roll Call Vote: Council members Bibens, Bluth, Doran, Quattrone, and Woods voted yes.

Resolution adopted, 5-0.

Resolution 2012-96

BOROUGH OF HIGHTSTOWN

COUNTY OF MERCER

STATE OF NEW JERSEY

CANCELING GENERAL CAPITAL IMPROVEMENT APPROPRIATION BALANCES

WHEREAS, certain General Capital Improvement appropriation balances remain dedicated to projects now completed; and

WHEREAS, it is necessary to formally cancel said balances so that the unexpended balances may be credited to General Capital Fund Balance;

NOW, THEREFORE, BE IT RESOLVED, by the council of the Borough of Hightstown, County of Mercer, that the following unexpended and dedicated balances of General Capital Appropriations be canceled:

Ord. No.	Date Auth.	Project Description	Funded Capital Fund Balance
06-22	10/16/06	Purchase of Various Equipment	\$ 1,072.00
07-01	2/20/2007-04/07/08	Road Improvements Morrison Ave and Outcault Street.	8,042.90
07-09	5/21/2007	Various Equipment Police and Court	30.10
TOTAL			\$ 9,145.00

MOVED: Quattrone

SECONDED: Bibens

March 5, 2012

ROLL CALL:

AYES: Bibens, Bluth, Doran, Quattrone, Woods

NAYS:

ABSTAIN:

ABSENT: Thibault

Hurricane Irene Recovery Update

Mr. Theokas explained that there was a determination right after the hurricane to handle the emergency items of water and sewer services first and he stands behind the decisions made. The borough Hall decision will be long lasting and all information must be gathered before discussions can ensue. Things are moving more quickly now and FEMA is still working on the project. He will continue to keep Council informed of the progress. There was discussion.

Police Promotion Procedures Sub-Committee

The Mayor gave a history of the need for changes to this procedure. Police Director LeTellier advised that he has reviewed the present procedures and that they are typical for this area. He continued that there are presently three individuals on the force that are eligible and the opportunity must be posted and made available to each of them; he believes that assessing various qualifications, skills and knowledge and testing by resume and interview are the best procedure for Hightstown. The difficulty is that the policy used must conform to the ordinances of the Borough and ordinance revisions are necessary for the promotion procedure provision. Mr. Theokas noted that Labor Counsel should be involved and there was discussion regarding the Council establishing a sub-committee to work on the ordinance revisions. Police Director LeTellier reminded Council that Police personnel records are not accessible to lay persons, including Borough Council members; the records have not yet been removed from Borough Hall. There was discussion.

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

George Serrano, 4 Westerlea – commented regarding taxi licensing and volunteered to serve on a taxi ordinance evaluation group.

Eugene Sarafin, 628 S. Main Street – commented regarding neighborhood watch programs; suggested the Borough and Police Department put Officials and Officers pictures on line; and housing and traffic.

Linda Caffrey, 60 One Mile Road, East Windsor – commented regarding the taxi ordinance and insurance limits.

J P Gibbons, 602 N. Main Street – commented that regarding the bus accident in Chesterfield; clarification of claims paid for Hurricane Irene claims; police testing for promotions; and the taxi ordinance and licensing.

David Bell, 115 First Avenue – commented that the taxi ordinance needs enforcement.

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

Mayor/Council/Administrative Comments and Committee Report

Councilmember Bluth – noted that the boat is needed by the Fire Department, but that the Council needs more information; insurance in the taxi ordinance should be higher and the ordinance needs to be enforced.

Councilmember Doran – commented that it is not inappropriate for Council to inquire about appropriations requested, it is their job; agreed that it is time for discussion regarding Borough Hall recovery, but assured there are no back door deals going on; the Environmental Commission had a presentation regarding the Natural Resource Inventory and it will be coming to Council soon; the Route 33 Corridor Study presentation will be held next Wednesday.

Councilmember Woods – remarked that the taxi ordinance revisions were being made to bring it in line with new state statutes; the promotion process for the police should be professional; the Fire Department needs a boat.

Councilmember Bibens – commented that Fire Chief Van Kirk is working on getting quotes for the boat; the Parks and Recreation Commission has a lot going on; it would be good for the Police website to have the Officers pictures on them so they are easily recognized by residents and during community policing programs; the taxi ordinance was well-done; she is looking forward to the budget workshops; she appreciates Mr. Seranno’s offer to assist with the taxi ordinance.

Council President Quattrone – appreciated the great discussion amongst Council at tonight’s meeting but feels that Council should wait to be recognized by the Mayor before speaking to keep order in the discussion; this is the first time the Borough has had to work with FEMA and it is quite the process, Mike Theokas is doing a great job; there is a specific process for the records restoration at the police department; the FCC is requiring a change to narrow band frequencies which will require the Borough to comply and purchase new radios by March of 2013; dispatching of the First Aid will require a new \$8,000.00 radio; the taxi ordinance committee did a great job, but an increase in the insurance coverage will only force them to work underground; there was a news article that stated that he wanted to limit the time for public comment periods but it was not accurate, he wanted to limit public comment period I to items relating to Borough business; the Mayor is doing a great job; the Fire Department needs a boat, but he hopes they never have the need to use it.

Mayor Kirson – noted that Council changes every year and compromise and discussion is good, he is proud of Council; communities have a tremendous mountain to climb in New jersey and they must look 5 to 10 years into the future; all of Council takes their job very seriously and works hard in the best interest of the Borough.

Police Director LeTellier – noted that he will address resident concerns and is looking at implementing a Police Department website.

Councilmember Woods moved to adjourn at 10:18 pm, Councilmember Bibens seconded. All ayes.

Respectfully Submitted,

Debra L. Sopronyi, RMC
Borough Clerk