

Meeting Minutes
Hightstown Borough Council
Regular Meeting
June 18, 2012

6:00 pm

The meeting was called to order by Mayor Kirson at 6:08 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."

Mayor Kirson called for 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 and Gregory Sullivan, JIF Attorney.

Resolution 2012-155 Authorizing a Meeting Which Excludes the Public

Council President Quattrone moved resolution 2012-155, Councilmember Doran seconded.

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

Resolution adopted, 3-0

Resolution 2012-155

BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY

AUTHORIZING A MEETING WHICH EXCLUDES THE PUBLIC

BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that this body will hold a meeting on June 18, 2012 at approximately 6:00 pm in the First Aid Building located on Bank Street, Hightstown 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:

Anticipated Litigation – Thibault

Attorney-Client Privilege

Stated as precisely as presently possible the following is the time when and the circumstances under which the discussion conducted at said meeting can be disclosed to the public: September 18, 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.

The public meeting was called to order by Mayor Kirson at 7:32 pm and he again read the Open Public Meetings Act statement.

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> | ✓ | |

Councilmember Bibens had arrived during executive session at 6:17pm, Councilmember Thibault had arrived during executive session at 6:50pm, Councilmember Woods had arrived during executive session at 7:10pm and Carmela Roberts, Borough Engineer, had arrived during executive session at 6:55pm. Police Director LeTellier and George Lang, CFO joined the meeting at this time.

Council President Quattrone moved the agenda for approval, Councilmember Woods seconded.

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

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

Agenda approved 6-0.

Mayors Comments

“On May 30th a special public meeting was held at this location to discuss the placement of Borough Hall. I would estimate that over 60 people were in attendance that evening.

The first public comment session of the May 30th meeting began with Ryan Rosenberg, the Chair of Downtown Hightstown reading a letter from that Organization, supporting the move of Borough Hall from the downtown area. I will emphasize that DOWNTOWN HIGHTSTOWN spoke in unanimous voice.

Cappy Stults and Mike Vanderbeck, former Council members and owners of prominent downtown properties and businesses also spoke before Mayor and Council in support of moving Borough Hall away from the center of downtown. Dimitri Musing a former Council member and owner of an antique business and the oldest home in the Borough also is in favor of the move away from the central part of downtown. Jay Zimmer, the Executive Director of Meadow Lakes, which is the largest tax paying entity in the Borough, also spoke of the importance of creating a better Downtown.

Steve Misiura, the Chair of the Hightstown Planning Board spoke about the advantages of moving Borough Hall from the center of Downtown. Dan Buriak, the Chair of the Hightstown HPC, said that is was the collective opinion of the HPC that the current Borough Hall has not been the nucleus of Downtown, has no intrinsic value and actually detracts from the historic image of Downtown.

Torry Watkins and Gene Sarafin former Council members and long time residents both said move to Lucas.

All of the people mentioned above have made substantial financial investments in the community and over many years have committed their time and energy to improve the Borough. In all 75% of those that spoke that evening thought it would be better to relocate Borough Hall away from the Downtown.

Let’s move to the regularly scheduled Council meeting of June 4th. As I asked for a motion to move that night’s agenda, Gail Doran stated that she would like to amend the agenda by adding a resolution. At that same time Susan Bluth announced that she too would like to amend the agenda by adding a resolution to the agenda”.

At this time Councilmember Thibault called a point of order; the Borough Attorney advised Councilmember Thibault

that the agenda was approved with the Mayor's Comments listed and therefore the Mayor is entitled to make his comments.

The Mayor then continued, "The unwritten protocol since I have been Mayor is that a Council member would give me a "heads up" prior to the meeting when they would be asking to amend the agenda. This did not occur that night. The Council did vote to add both resolutions to the agenda for that meeting. Hightstown prides itself on having an "Open and Transparent Government". I know we strive to reach that goal. I can attest that the information packets provided to the public in Hightstown and available on its website prior to Council meetings far exceeds any other Municipality in Mercer County. Some members of this Council, when they were still on the other side of the dais, chastised the Mayor and Council for amending an agenda without having information provided beforehand to the public. For some reason on June 4th the Council decided to add two resolutions to the agenda without providing the public with this information for their review and participation.

The resolution put forward by Gail Doran was numbered 2012-153. The title of the resolution is "Statement by Borough Council Concerning the Location of Borough Hall". I will read one sentence from the resolution. Whereas, the Council of the Borough of Hightstown believes that by being located in a central location, Borough Hall is a vital part of the Borough's character and appeal. What I found so striking is that 5 days after the special meeting held on May 30th when 75% of those who spoke that evening were in favor of moving Borough Hall outside the downtown area, this Council rushed to put this resolution on the agenda. Did we have a special meeting only to ignore the majority of those who spoke?

Is this an "Open and Transparent Government"? We cannot be Open and Transparent sometimes and decide not to be when it suits a few. The fact that these two resolutions were added to the agenda did not give the public a chance to come to that night's meeting and voice their opinion. The two resolutions were brought forward by Gail Doran and Susan Bluth. After I read the two resolutions I believe they were actually written by a third Council member. I listened to the audio of the meeting of the June 4th meeting. Just as the Council was going to vote on whether or not to add resolution 2012-153 a Council member asks to make a change to some of the language in the resolution. They were advised that this vote is to add the resolution to the agenda and changes could be added later during the discussion of the resolution. We know the resolution made it on the agenda, but the Council member never again asks to change the language. I believe they realized they erred when asking to amend the language, as it was shortly after receiving the copy and how could someone read and digest the resolution so quickly and now want to amend it. It passed on a 5-1 vote. I suspect that the Sunshine Laws were treaded on between the two meetings of May 30th and June 4th.

I do not bring this forward this evening to be controversial and difficult. My goal is to focus on issues and reduce the hyperbole.

Thank you."

Council President Quattrone moved the minutes of the May 21, 2012, Open Session for approval; Councilmember Bibens seconded.

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

Minutes approved 6-0.

Council President Quattrone moved the minutes of the May 21, 2012 Executive Session for approval; Councilmember Woods seconded.

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

Minutes approved 5-0 with one abstention.

Resolution 2012-156 Authorizing Payment #1 Final – Clyde N. Lattimer & Son Construction Co., Inc. (Primary Clarifier Upgrade)

Council President Quattrone moved resolution 2012-156, Councilmember Woods seconded.

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

Resolution approved 6-0.

Resolution 2012-156

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

**AUTHORIZING PAYMENT # 1 – CLYDE N. LATTIMER & SON CONSTRUCTION
COMPANY, INC. (PRIMARY CLARIFIER UPGRADE)**

WHEREAS, on February 6, 2012 the Borough Council awarded a contract for Primary Clarifier Upgrade to Clyde B. Lattimer & Son Construction Co., Inc. of Berlin, New Jersey in the amount of \$148,400.00; and

WHEREAS, the contractor has submitted payment request #1 for work done in the total amount of \$7,203.00; and

WHEREAS, the Borough Engineer has recommended approval of payment #1 to Clyde B. Lattimer & Son Construction Co., Inc. in the amount of \$7,203.00; and

WHEREAS, the required certified payrolls have been submitted; and

WHEREAS, the Chief Finance Officer has certified that funds are available for this expenditure.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that Payment Request No. 1 from Clyde B. Lattimer & Son Construction Co., Inc. of Berlin, New Jersey in the amount of \$7,203.00 is hereby approved as detailed herein, and the Acting Treasurer is authorized to issue same.

Resolution 2012-157 Authorizing Payment #1 – B & H Contracting Inc. (Post Chlorination Tank)

Council President Quattrone moved resolution 2012-157, Councilmember Bibens seconded.

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

Resolution approved 6-0.

Resolution 2012-157

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

**AUTHORIZING PAYMENT # 1 – B & H CONTRACTING, INC. (POST
CHLORINATION TANK)**

WHEREAS, on December 19, 2011 the Borough Council awarded a contract for the Post Chlorination Tank to B & H Contracting, Inc. of Folsom, New Jersey in the amount of \$201,950.00; and

WHEREAS, the contractor has submitted payment request #1 for work done in the total amount of \$161,651.00; and

WHEREAS, the Borough Engineer has recommended approval of payment #1 to B & H Contracting, Inc. in the amount of \$161,651.00; and

WHEREAS, the required certified payrolls have been submitted; and

WHEREAS, the Chief Finance Officer has certified that funds are available for this expenditure.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that Payment Request No. 1 from B & H Contracting, Inc. of Folsom, New Jersey in the amount of \$161,651.00 is hereby approved as detailed herein, and the Acting Treasurer is authorized to issue same.

Resolution 2012-158 Authorizing Change Order #1 – MBE Mark III Electrical, Inc. (Bar Screen)

Council President Quattrone moved resolution 2012-158, Councilmember Woods seconded.

The Borough Engineer reviewed the resolution and there was discussion.

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

Resolution approved 6-0.

Resolution 2012-158

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

**AUTHORIZING CHANGE ORDER #1 – MBE MARK III ELECTRICAL, INC.
(BAR SCREEN UPGRADE)**

WHEREAS, on February 6, 2012, the Borough Council awarded a contract for the Bar Screen Upgrade Project to MBE Mark III Electrical, Inc. of Madison, New Jersey in the amount of \$204,000.00; and,

WHEREAS, the Contractor has requested change order #1 to raise the new Screening Washer Compactor resulting in a change order in the amount of \$3,313.00 in addition to the current contract resulting in a revised contract amount of \$207,313.00; and

WHEREAS, the Borough Engineer has recommended approval of this change order; and

WHEREAS, this project is funded by the New Jersey Environmental Infrastructure Trust, the approval of this change order is conditional upon approval by the New Jersey Department of Environmental Protection; and,

WHEREAS, the Chief Finance Officer has certified that said funds are available for this purpose.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that change order #1 to the contract with MBE Mark III Electrical, Inc of South River, New Jersey in a reduction in the amount of \$3,313.00 is hereby approved and the contract price revised to \$207,313.00, upon approval by the New Jersey Department of Environmental Protection.

Resolution 2012-159 Establishing a Weight Limit for a Section of Route 33 in Hightstown Borough During the Route 33 Bridge Repair and Reconstruction Project

Council President Quattrone moved resolution 2012-159, Councilmember Bibens seconded.

Mr. Theokas reviewed the resolution and the project and there was discussion.

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

Resolution approved 6-0.

Resolution 2012-159

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

**ESTABLISHING A WEIGHT LIMIT FOR A SECTION OF ROUTE 33 IN
HIGHTSTOWN BOROUGH DURING THE ROUTE 33 BRIDGE REPAIR AND
RECONSTRUCTION PROJECT**

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

1. That the Route 33 Bridge over Rocky Brook between Stockton Street and Franklin Street shall have a seven (7) ton weight restriction during construction of the New Jersey Department of Transportation's Plans for the Route 33 Bridge over Rocky Brook, Emergency Repairs, contract No. 014123100. This restriction will remain in effect as long as the detour is necessary to re-construct the bridge and/or until the project is deemed complete by the Department.
2. That the Traffic Control Signs installed shall be in accordance with the provisions of the Manual on Uniform Traffic Control Devices, Title 39 of the Revised Statutes and the New Jersey Administrative Code; shall conform to the design and shall be maintained, as authorized by the New Jersey Department of Transportation
3. That all prior ordinances or resolutions or portion thereof the Borough Council inconsistent herewith are temporarily repealed.
4. That this resolution shall become effective immediately and upon the approval of the Commissioner of the Department of Transportation.
5. That if any clause, section or provision of this resolution is declared invalid by a court of competent jurisdiction, such provision shall be deem a separate, distinct and independent provision and shall not affect the validity of the remaining portion hereof.

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be sent to Bureau of Traffic Engineering and Investigation, NJ Department of Transportation, PO Box 613, Trenton NJ 08625-0613 and the Hightstown Borough Police Director.

Resolution 2012-160 Renewing a Contract for Sludge Removal, Transportation, Delivery and Disposal – Accurate Waste Removal Services

Council President Quattrone moved resolution 2012-160, Councilmember Bibens seconded.

Carmela Roberts, the Borough Engineer, explained the need for the extension and advised that the project should be completed in the fall; the Borough should be able to bid the removal of cake for January 1, 2013.

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

Resolution approved 6-0.

Resolution 2012-160

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

**RENEWING A CONTRACT FOR SLUDGE REMOVAL, TRANSPORTATION,
DELIVERY AND DISPOSAL – ACCURATE WASTE REMOVAL SERVICES**

WHEREAS, four (4) bids were received on November 4, 2010 for sludge removal, transportation, delivery and disposal for the Advanced Wastewater Treatment Plant (AWWTP) in Hightstown Borough; and

WHEREAS, pursuant to resolution 2010-252, the Borough Council awarded a six (6) month contract for the sludge removal, transportation, delivery and disposal to the low bidder, Accurate Waste Removal Services of Lake Hopatcong, New Jersey at a per unit price of \$0.113 per gallon with a total contract price of \$96,954.00; and

WHEREAS, the Borough reserved the right to renew this contract for three (3) additional six (6) month terms with the original term beginning January 1, 2011; and

WHEREAS, the Borough Engineer has recommended that said contract be renewed for an additional six (6) month period at a per unit price of \$0.113 per gallon with a total contract price of \$96,954.00; and

WHEREAS, the Chief Finance Officer has certified that funds are available for said expenditure;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the contract for sludge removal, transportation, delivery and disposal is hereby renewed for an additional six (6) month period with Accurate Waste Removal Services of Lake Hopatcong, New Jersey effective July 1, 2012.

Municipal Aid Grant 2012 – Grape Run and Pershing Avenue

The Mayor reviewed that the cost of the project exceeds the amount of the grant. The Borough Engineer reviewed DEP and DOT requirements for paving, which is all the grant will cover; she noted that inlets and covers, ADA compliance, drainage and signs also need to be done. These items should be done now while it is cost effective; curbs and sidewalks should also be done to complete the project. No water mains need to be addressed at this time, but it is estimated that seven to ten services may be damaged by the paving; sewer lines would need to be evaluated. There was discussion regarding doing the project in pieces, curbs, drainage and bonding for the project.

Mr. Theokas advised that he has requested the Engineer and Ken Lewis, DPW Superintendent, to put together a road project projection for two purposes: grant availability and because streets and roads are the responsibility of the Borough. There was discussion regarding the advantage and cost effectiveness of packaging projects.

The Borough Engineer recommended that Grape Run be done first as it has more traffic; the water service work is on Pershing. She stated that she would check with DOT about doing Grape Run and come back to Council at a future date.

Hurricane Irene

Mr. Theokas advised that we have received \$190,000.00 from FEMA and advised that there are still several PW's outstanding; he has received confirmation from the insurance that the second six month extension for the use and occupancy agreement with Lucas is covered; work with the Borough documents has begun and Belfor is DARM approved; noted that anything salvageable was taken from Borough Hall immediately following the flood and we are scrapping any metal that was not salvageable.

He then continued that Councilmember Woods, Carmela Roberts and Rick Perez did a walk-thru of the Shangle & Hunt and Lucas properties; this will be addressed later in the meeting with a resolution.

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

Phyllis Deal, 305 Stockton Street – expressed concern with the following: as to whether the resolution locks the Borough into keeping Borough Hall where it is; dump trucks using side streets in the Borough; and if Pershing is re-done will they straighten the road and take out the big tree.

George Zhelesnik, 7 Ely Court – commented that assessing for improvements may be a way to pay for them.

Keith LePrevost, 213 Greeley Street – on behalf of the Environmental Commission he thanked the Planning Board for approving the ERI; requested that Council press the Planning Board to approve the storm water ordinance; noted two dead trees in Association Park.

Eugene Sarafin, 628 S. Main Street – commented that he finds the resolution about the location of Borough Hall disturbing; noted that the Borough should not do incomplete road jobs, you should bond for the project; there is a need sidewalks on S. Main Street.

Bill Gilmore, 219 Greeley Street – agreed with Eugene Sarafin's comments; noted the Mayor's comments needed to be said; Council is ignoring the various organizations' advice.

J P Gibbons, 602 N. Main Street – commented that he does not want sidewalks by his house; inquired about the status of the taxi ordinance and town hall meetings; suggested an island, special striping for Memorial Park parking lot access and a "Don't Block the Box" be installed on Main Street; he noted that he has issues with the Route 33 Corridor Study; encouraged Council not to vote for resolution 2012-164.

Steve Misiura, Planning Board Chair – noted that he is present and can answer any questions regarding resolution 2012-164.

Dan Buriak, 194 Stockton Street – commented that Councilmember Thibault’s 50/50 statement as to comments for Borough Hall is a lie; irrational behavior is taking place with resolution 2012-153 coming forward and it’s time to stop playing games and start working for the Borough; he asked Council to work for the good of the public.

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

Councilmember Thibault, in response to Mr. Buriak’s assessment of his statement, corrected the number of comments to be eleven in favor of moving to Lucas and eight in favor of Borough Hall remaining downtown.

Resolution 2012-161 Authorizing the Payment of Bills

Councilmember Woods requested that item #E0577 be pulled from the bills list and voted separately.

Councilmember Bibens moved Resolution 2012-161 without item #E0577, Councilmember Bluth seconded.

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

Councilmember Bibens moved item #E0577 for payment, Council President Quattrone seconded.

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

Resolution 2012-161

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 \$753,539.35 from the following accounts

| | | |
|-----------------------|----|------------|
| Current | \$ | 710,743.42 |
| W/S Operating | | 25,340.98 |
| General Capital | | |
| Water/Sewer Capital | | 4,948.75 |
| Grant | | |
| Trust | | 9,728.95 |
| Housing Trust | | 656.25 |
| Animal Control | | 525.00 |
| Law Enforcement Trust | | |
| Housing Rehab Loans | | |
| Unemployment Trust | | |
| Escrow | | 1,596.00 |

Carmela Roberts, Borough Engineer, was excused from the meeting at this time.

Resolution 2012-162 Resolution of Compliance Regarding the 2012 Audit

Council President Quattrone moved Resolution 2012-162, Councilmember Bibens seconded.

George Lang explained the term interfund, and there was discussion regarding the recommendations in the audit.

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

Resolution adopted 6-0.

Resolution 2012-162

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

RESOLUTION OF COMPLIANCE REGARDING THE 2010 AUDIT

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2010 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, at a minimum, the sections of the audit entitled:

General Comments
Recommendations

; and

WHEREAS, the members of the governing body have personally reviewed at a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

**General Comments
Recommendations**

as evidenced by the group affidavit form of the governing body; and

WHEREAS, such resolution of certification shall be adopted by the governing body no later than forty-five (45) days after receipt of the annual audit, as per the regulations of the Local Finance Board; and

WHEREAS, all members of the governing body have received and have familiarized themselves with at least the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid, and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 - to wit:

R.S. 52:27BB-52 - A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the Director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or

imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE, BE IT RESOLVED that the governing body of the Borough of Hightstown hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Resolution 2012-163 Requesting Approval for Insertion of a Special Item of Revenue in the 2012 Budget

Council President Quattrone moved Resolution 2012-163, Councilmember Bibens seconded.

There was discussion.

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

Resolution adopted 6-0.

Resolution 2012-163

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

**REQUESTING APPROVAL FOR INSERTION OF A SPECIAL ITEM OF REVENUE
IN THE 2012 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 2012 as follows:

| Source | Amount | Revenue Title | Appropriation Title |
|---------------------|------------|---|---|
| State of New Jersey | \$4,371.01 | Municipal Court Alcohol Education and Rehabilitation Fund | Municipal Court Alcohol Education and Rehabilitation Fund |

Mayor Kirson requested that Council address resolution 2012-167 next since the member is present. Council unanimously agreed.

Resolution 2012-167 Appointing a Member to Fill a Vacancy on the Environmental Commission – Terry Parliaros

Councilmember Bibens moved Resolution 2012-167, Councilmember Bluth seconded.

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

Resolution adopted 6-0.

The Mayor thanked Mr. Parliaros for volunteering to serve on the Environmental Commission.

Resolution 2012-167

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

**APPOINTING A MEMBER TO FILL A VACANCY ON THE ENVIRONMENTAL
COMMISSION**

WHEREAS, there is a need to fill a vacancy for Alternate #2 on the Environmental Commission; and

WHEREAS, the term for this position is ending December 31, 2013; and

WHEREAS, Terry Parliaros has volunteered to fill the position of Alternate #2 on the Environmental Commission for the term ending December 31, 2013.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that Mr. Terry Parliaros is hereby appointed to the Environmental Commission of Hightstown Borough as Alternate #2 for the term ending December 31, 2013.

Resolution 2012-164 Awarding a Professional Services Agreement for Re-Examination of the Master Plan – Tamara Lee Consulting

Council President Quattrone moved Resolution 2012-164, Councilmember Bibens seconded.

The Borough Clerk advised that a Certification of Funds was not signed by the CFO for this resolution. George Lang, CFO, advised that there were no funds budgeted for this expenditure and therefore he could not certify funds.

Mr. Misiura joined the discussion and noted the time table for the re-examination and the critical need. It was recommended that the Planning Board scale back the work to be performed this year to fit into what remains of what was budgeted in the agreement currently in place and the Planning Board can budget the remainder in next year's budget.

Council President Quattrone and Councilmember Bibens withdrew their motions for Resolution 2012-164.

Mayor Kirson recommended that resolutions 2012-165 and 2012-166 be acted upon together; Councilmember Thibault requested that the resolutions be heard separately.

Resolution 2012-165 Awarding a Professional Services Agreement for Engineering Services Associated with Borough Hall Site Evaluations – Roberts Engineering Group

Councilmember Thibault moved Resolution 2012-165, Councilmember Bluth seconded.

There was discussion regarding the availability of the Shangle and Hunt property on Broad Street and the need for a Needs Assessment to be performed by a professional prior to authorizing funds for Engineering services. The Borough Attorney was directed to check the availability of the Shangle and Hunt property.

Councilmember Thibault and Councilmember Bluth withdrew their motions for Resolution 2012-165.

Resolution 2012-166 Awarding a Professional Services Agreement for Architectural Services Associated with Borough Hall Site Evaluations – Perez & Radosti Associates, P.C.

Councilmember Thibault moved Resolution 2012-166, Councilmember Doran seconded.

Discussion continued regarding a Needs Assessment and the Borough Administrator was directed to have the Architect perform a Needs Assessment.

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

Resolution adopted 6-0.

Resolution 2012-166

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

**AUTHORIZING AN AGREEMENT FOR PROFESSIONAL ARCHITECTURAL
SERVICES ASSOCIATED WITH BOROUGH HALL SITE EVALUATIONS – PEREZ
& RADOSTI ASSOCIATES, P.C.**

WHEREAS, there exists the need for specialized architectural services for Borough Hall site evaluations; and

WHEREAS, Perez & Radosti, P.C. has submitted a proposal to perform architectural services associated with Borough Hall site evaluations; and

WHEREAS, the cost for the proposed services shall not exceed \$12,000.00 without further approval by the Borough Council; and,

WHEREAS, the Chief Finance Officer has certified that funds are available for this purpose; and,

WHEREAS, the Borough Attorney will review and approve the contract for execution by the Borough; 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, this contract is specifically for architectural services for Borough Hall site evaluations; 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, Perez & Radosti, P.C. 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 Perez & Radosti, P.C. regarding the above-referenced professional architectural 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 Perez & Radosti, P.C., is a firm whose architect is 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 Perez & Radosti, P.C., Architect; George Lang, Chief Financial Officer; and the Contract File.

Resolutions 2012-168, 2012-169 and 2012-170 Renewal of Alcoholic Beverage Licenses

Council President Quattrone moved resolution 2012-168, 2012-169 and 2012-170 together, Councilmember Bluth seconded.

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

Resolutions adopted 6-0.

Resolution 2012-168

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

AUTHORIZING RENEWAL OF ALCOHOLIC BEVERAGE LICENSE #1104-32-001-006 – WINE DEPOT CORPORATION, T/A HEDY'S LIQUORS AND JOE CANAL'S DISCOUNT LIQUOR OUTLET

WHEREAS, Wine Depot Corporation has made application to the Borough for renewal of their Plenary Retail Consumption License with Broad Package Privilege License #1104-32-001-006, together with the required fees; and

WHEREAS, the State of New Jersey Division of Taxation has certified, by issuance of an ABC Retail Licensee Clearance Certificate, that Wine Depot Corporation is in compliance with Chapter 161, Laws of New Jersey 1995, and that they have no objections to the renewal of this license; and

WHEREAS, the Police Director has been consulted and has no objections to renewal of this license;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Municipal Clerk is hereby authorized to issue the following Alcoholic Beverage License to Wine Depot Corporation, doing business as Hedy's Liquors and Joe Canal's Discount Liquor Outlet at 500 Mercer Street:

**2012-13 Plenary Retail Consumption License with Broad Package Privilege
License #1104-32-001-006
Fee: \$2,500.00**

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Division of Alcoholic Beverage Control.

Resolution 2012-169

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

AUTHORIZING RENEWAL OF ALCOHOLIC BEVERAGE LICENSE #1104-44-002-010 – FAMILY WINES AND LIQUORS, INC. (T/A HIGHTSTOWN LIQUORS)

WHEREAS, Family Wines and Liquors, Inc. has made application to the Borough for renewal of their Plenary Retail Distribution License #1104-44-002-010, together with the required fees; and

WHEREAS, the State of New Jersey Division of Taxation has certified, by issuance of an ABC Retail Licensee Clearance Certificate, that Family Wines and Liquors, LLC, is in compliance with Chapter 161, Laws of New Jersey 1995, and that they have no objections to renewal of said license; and

WHEREAS, the Police Director has been consulted and has no objections to renewal of this license;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Municipal Clerk is hereby authorized to issue the following Alcoholic Beverage License to Family Wines and Liquors,

Inc. doing business as Hightstown Liquor at 107 Stockton Street:

2012-13 Plenary Retail Distribution License
License #1104-44-002-010
Fee: \$2,500.00

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Division of Alcoholic Beverage Control.

Resolution 2012-170

BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY

AUTHORIZING RENEWAL OF ALCOHOLIC BEVERAGE LICENSE #1104-33-003-008 – TAVERN 103 LLC, T/A TAVERN ON THE LAKE

WHEREAS, Tavern 103 LLC has made application to the Borough for renewal of their Plenary Retail Consumption License #1104-33-003-008, together with the required fees; and

WHEREAS, the State of New Jersey Division of Taxation has certified, by issuance of an ABC Retail Licensee Clearance Certificate, that Tavern 103 LLC is in compliance with Chapter 161, Laws of New Jersey 1995, and that they have no objections to the renewal of this license; and

WHEREAS, the Police Director has been consulted and has no objections to renewal of this license;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Municipal Clerk is hereby authorized to issue the following Alcoholic Beverage License to Tavern 103 LLC, doing business as Tavern on the Lake at 101-103 Main Street:

2012-13 Plenary Retail Consumption License
License #1104-33-003-008
Fee: \$2,500.00

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Division of Alcoholic Beverage Control.

Resolution 2012-171 Authorizing the Cancellation of Tax Balance – 25 Leshin Lane (Block 62.01/Lot 7/Q T-01)

Councilmember Thibault moved Resolution 2012-171, Councilmember Doran seconded.

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

Resolution adopted 6-0.

Resolution 2012-171

BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY

**AUTHORIZING THE CANCELLATION OF TAX BALANCE – 25 LESHIN LANE
(BLOCK 62.01/LOT 7/Q T-01)**

WHEREAS, the Borough of Hightstown owns a water tower located on Block 62.01, Lot 7, Q T01; and

WHEREAS, the Board of Education owns the property on which the water tower is located; and

WHEREAS, the tax records of the Borough include a 2011 tax balance due in the amount of \$3,020.95 plus applicable interest due from the East Windsor Regional Board of Education; and

WHEREAS, this property has been removed from the tax role for future billings; and

WHEREAS, it is required that the Borough Council authorize the cancellation of the current balance on the account and any applicable interest to clear the account.

BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Tax Collector is hereby authorized and directed to cancel the 2011 tax balance of \$3,020.95 plus all applicable interest on the tax role of Hightstown Borough for Block 62.01, Lot 7, Q T01, said property being a water tower owned by the Borough.

Resolution 2012-172 Authorizing an Agreement for Accepting and Processing of Septic Waste Water, Gray Water and/or Fats and Grease – Cella Septic

Council President Quattrone moved Resolution 2012-172, Councilmember Bibens seconded.

There was discussion regarding the testing of waste and fracking.

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

Resolution adopted 6-0.

Resolution 2012-172

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

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

WHEREAS, Cella Septic of Toms River, New Jersey has requested the use of the Borough of Hightstown Advanced Wastewater Treatment Plant for delivery of septic waste water, gray water and/or fats and grease; and,

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

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

Resolution 2012-173 Authorizing a Refund for Water Usage

Council President Quattrone moved Resolution 2012-173, Councilmember Woods seconded.

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

Resolution adopted 6-0.

Resolution 2012-173

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

AUTHORIZING A REFUND FOR WATER USAGE

WHEREAS, National Water Main Cleaning Company of Newark, New Jersey deposited \$140.00 on June 11, 2012 for water usage; and

WHEREAS, the amount of water used by National Water Main Cleaning Company totaled \$50.00 creating an overpayment in the amount of \$90.00; and

WHEREAS, the Water/Sewer Clerk has requested that a refund of \$90.00 be issued to National Water Main Cleaning Company of Newark, New Jersey.

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 \$90.00 to National Water Main Cleaning Company, 875 N. Summer Avenue, Newark, New Jersey.

Discussion

Amendment to the Affordable Housing Spending Plan

Mayor Kirson reviewed the amended Affordable Housing Spending Plan. Steve Misiura, Planning Board Chair, offered Planning Board approval and noted that the Borough is under a time constraint to submit the revised spending plan. The Borough Planner wants approval to move forward with revising the plan. There was discussion and the Borough Administrator was directed to contact Tamara Lee, the borough Planner and move forward with the revisions.

Capital Expenditures

Mr. Theokas reviewed the capital needs which included a roof and other mitigation measures at the water plant; a new copier; time and attendance software and hardware; and streets and roads. There was discussion. Mr. Theokas advised that he would be coming forward with a bond ordinance for the needed capital expenditures.

The Mayor opened the public comment period II and the following individuals spoke:

Eugene Sarafin, 628 S. Main Street – commented regarding Council’s knowledge, learning process and intelligent discussions.

J P Gibbons, 602 N. Main Street – verified the status of resolution 2012-164 and suggested the Borough consider the rug mill property for Borough Hall; inquired why the Borough is not just buying flood insurance for Borough Hall; suggested other properties be looked at for Borough Hall.

Eugene Sarafin, 628 S. Main Street – sarcastically commented that we should buy the Rug Mill and put up the Taj Mahal for Borough Hall.

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

Mayor/Council/Administrative Comments and Committee Reports

Councilmember Bibens – noted that she has a meeting with Code Enforcement next week; there was good discussion tonight.

Councilmember Bluth – commented that she is hopeful that we are finally moving forward with the passing of the resolution and they are thinking out of the box and considering modular units as well.

Councilmember Woods– advised that they are beginning to turn off water for delinquent accounts in compliance with the Borough ordinance; tax and water/sewer payments can now be made on line.

There was discussion regarding a third party notification system so invoices are not overlooked, and the opportunity for payment arrangements.

Councilmember Thibault – requested monthly financial statements; inquired of the status on Code Enforcement help to which Mr. Theokas advised that a part-time assistant was hired; inquired on the status of the taxi ordinance to which the Borough Attorney advised that he is working on it and the taxi and traffic ordinances are forthcoming; inquired as to when the public water/sewer meetings will be resumed to which Mr. Theokas advised that they are no longer holding public meetings and the meetings are now taking place with the Administrator, Department Heads and the Council Liaison;

noted that the Rug Mill property is seriously deteriorating and should be checked for hazards; commented that the resolution passed at the last meeting regarding Borough Hall substantiates that Council is looking for cost effective options.

Councilmember Doran – noted that the Planning Board is reviewing the scout project but she is concerned about signing the approval form without Council review.

Council President Quattrone moved to adjourn at 10:47 pm, Councilmember Bibens seconded. All ayes.

Respectfully Submitted,

Debra L. Sopronyi, RMC
Borough Clerk