

**Meeting Minutes**  
**Hightstown Borough Council**  
**Regular Meeting**  
**April 2, 2012**  
**7:30 pm**

The meeting was called to order by Mayor Kirson at 7:03 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; and Carmela Roberts, Borough Engineer.

**Resolution 2012-107 Authorizing a Meeting Which Excludes the Public**

Council President Quattrone moved resolution 2012-107, Councilmember Bibens seconded.

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

Resolution adopted, 6-0

Resolution 2012-107

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

**AUTHORIZING A MEETING WHICH EXCLUDES THE PUBLIC**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that this body will hold a meeting on April 2, 2012 at approximately 6:30 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:

Litigation – Lasky/Pavlak

Litigation – Castoro

Stated as precisely as presently possible the following is the time when and the circumstances under which the discussion conducted at said meeting can be disclosed to the public: July 2, 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 7:46 pm and he again read the Open Public Meetings Act statement.

The Flag Salute was followed by roll call which has remained the same. George Lang, CFO and James LeTellier, Police Director joined the meeting at this time. Borough Engineer Carmela Roberts had departed the meeting during executive session and was no longer present.

Councilmember Doran requested that public comment I be moved up to prior to the ordinances, Councilmember Bibens requested that fluoridation be added to discussion and Mayor Kirson requested that access to Professionals be added to discussion.

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

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

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

Agenda approved as amended, 6-0.

Council President Quattrone moved the minutes of the March 5, 2012 Open Session for approval; Councilmember Woods 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; Councilmember Thibault abstained.

Minutes approved 5-0 with one abstention.

Council President Quattrone moved the minutes of the March 14, 2012 Route 33 Presentation for approval; Councilmember Doran seconded. The Mayor called for a roll call vote for the approval of the minutes.

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

Minutes approved, 4-0 with two abstentions.

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

Gerald Riccardi, JCP&L – introduced himself to Council and advised that he is the representative for our area from JCP&L, noting that he is available 24/7.

Eugene Sarafin, 628 S. Main Street – spoke regarding politics and corporate America, and Governor Christie and conservatives; he also commented that he does not think there should be funds in the budget for additional police.

Scott Caster, 12 Clover Lane – noted the degradation of properties and that an aggressive Code Official is needed.

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

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

There was Council discussion regarding the revised ordinance put forward by Councilmember Woods; the discussion included keeping the term “Police Director or his designee”; use of the term “operator”; the Police Department issuing the licenses, not the Clerk; there is no testing at the Borough level; background checks and fingerprinting should be in compliance with state statute; the renewal process; limiting idling to three minutes; the “read, write and speak English” requirement; the application review process; insurance requirements; displaying license in vehicles and the ability of Council to designate taxi stands with the recommendation of Police and Zoning Officers.

Following the discussion, the Borough Attorney was charged with revising the ordinance in accordance with the Council’s discussion and bring the ordinance forward for re-introduction at the April 16, 2012 meeting.

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.

Operator shall mean any person or other legal entity that holds a license from the Borough to operate taxicabs or performs such services without such license.

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 or compensation 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 or operator 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) five (5) taxicab owner's licenses, each of which shall permit the owner or operator to operate a maximum of four (4) taxicab

vehicles within the Borough at one time. 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 1<sup>st</sup>, 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 1<sup>st</sup>.

#### **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 or operated by him by the licensee 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 or operated 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~~ shall receive ~~be notified with~~ advance notice of 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.
    - (f) Name and address of vehicle owner if different than applicant.
  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 be filed or maintained 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 senior police officer 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 senior police officer 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 Police Director and the Police Commissioner. A report regarding the Zoning Officer's findings shall also be provided to the Council Borough Administrator Police Director 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 Police Director 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 Police Director~~ 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 Police Director, 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 license has been denied 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 Police Director. 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. Renewals. A taxicab owner's license ~~may~~ shall be renewed by the ~~Council Borough Administrator Police Director 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 and paragraph (b) investigation is completed.
- h. Any change(s) in the information contained within the owner's license application shall be reported to the Borough Clerk within three (3) business days thereof. A charge in the amount of twenty-five (\$25.00) dollars

shall be levied for each calendar-business 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~~ that office, and shall be forwarded to the ~~Chief of Police~~ Police Director or his designee for investigation and approval processing and determination. 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, and speak the English language sufficiently to converse with the general public, to understand highway traffic signs and signals in the English language, to respond to official inquiries, and to make entries on reports and records.
- (g) Applicants other than those drivers who received consent to operate a taxicab within the Borough prior to the effective date of P.L. 2011, c.135, 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 "r." 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.

- (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~~ shall 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 or have been convicted within 5 years prior to the date of the application of driving while intoxicated.
- (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 which is compliant with P.L. 2011, c.135 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 be filed or maintained 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 senior police officer or his designee~~ shall investigate the application and shall report the results to the Council Borough Administrator Police Director 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 Police Director 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 Police Director~~, 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 and processing of the application.
- 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 Police Director 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 Police Director. 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) business days thereof. A charge in the amount of twenty-five (\$25.00) dollars shall be levied for each calendar business 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 and presented for confirmation when requested by the passenger.

#### **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.~~
- c: ~~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 re-inspected. 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 for more than 5 minutes, 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. 3. 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 4. 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.~~
- c Cruising is prohibited within the Borough.
- d 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 1. Obstruct any sidewalk; or
  - 4-2. Knowingly misinform or mislead any person as to the location of a destination.
- e 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 and a copy of the police report for such accident must be given to the Hightstown Police Department within 14 days of the accident. Such information shall be placed in the Borough's records regarding the taxicab owner and taxicab driver.
- f All taxicab owners or operators shall keep trip records and receipt books for six (6) months, which shall be kept current and shall be displayed when so requested by authorized Borough officials appointed by the Police Director. Trip records shall show, at a minimum, the trip designation, and the time and fare charged; date, time, pick up location, destination, number of passengers and fare charged

- g. 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.
- h. Each licensed taxicab driver shall be clean in person and fully dressed while on duty to include shirt, pants and shoes.
- i. 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.
- j. No driver shall operate a taxicab after 14 consecutive working hours without an eight (8) hour rest period
- k. 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 or authorized persons designated by the Police Director.

#### **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.

#### **Ordinance 2012-03 First Reading and Introduction – An Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a Cap Bank (N.J.S.A. 40SA:4-45.14)**

Councilmember Thibault moved ordinance 2012-03 for introduction, Council President Quattrone seconded.

George Lang, CFO gave a review of the need for the ordinance.

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

Ordinance introduced 6-0, Public Hearing on April 16, 2012.

Ordinance 2012-03

April 2, 2012

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

**AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO  
ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)**

**WHEREAS**, the Local Government Cap Law, *N.J.S. 40A: 4-45.1 et seq.*, provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

**WHEREAS**, *N.J.S.A. 40A: 4-45.15a* provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

**WHEREAS**, the Mayor and Council of the Borough of Hightstown in the County of Mercer finds it advisable and necessary to increase its CY 2012 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

**WHEREAS**, the Mayor and Council hereby determine that a 1.0% increase in the budget for said year, amounting to \$48,990.70 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

**WHEREAS**, the Mayor and Council hereby determine that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

**NOW THEREFORE BE IT ORDAINED**, by the Mayor and Council of the Borough of Hightstown, in the County of Mercer, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2012 budget year, the final appropriations of the Borough of Hightstown shall, in accordance with this ordinance and *N.J.S.A. 40A: 4-45.14*, be increased by 3.5%, amounting to \$171,467.45, and that the CY 2012 municipal budget for the Borough of Hightstown be approved and adopted in accordance with this ordinance; and,

**BE IT FURTHER ORDAINED**, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance upon adoption, be filed with said Director within 5 days after such adoption.

**Ordinance 2012-04 First Reading and Introduction – Bond Ordinance to Fund Emergency Authorizations for Damage Occurred as a Result of Hurricane Irene in and by the Borough of Hightstown, in the County of Mercer, New Jersey, Appropriating \$1,322,636 Therefor and Authorizing the Issuance of \$1,259,653 Bond or Notes of the Borough to Finance Part of the Cost Thereof**

Councilmember Woods moved that this ordinance be tabled until Council knows more about it, Councilmember Thibault seconded.

George Lang, CFO explained the ordinance and the need for it to cover the emergency notes issued in November and December of 2011 because they come due in June of this year. He noted that the amount in the ordinance has been reduced in accordance with what has been received from insurance and FEMA; and that it is required that these funds be in place prior to adoption of the budget. There was discussion and Councilmember Thibault withdrew his second on the motion to table the ordinance.

Councilmember Thibault moved ordinance 2012-04 for introduction, Council President Quattrone seconded.

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

Ordinance introduced 6-0, Public Hearing April 16, 2012.

Ordinance 2012-04

*BOROUGH OF HIGHTSTOWN*

*COUNTY OF MERCER*

*STATE OF NEW JERSEY*

BOND ORDINANCE TO FUND EMERGENCY AUTHORIZATIONS FOR DAMAGE INCURRED AS A RESULT OF HURRICANE IRENE IN AND BY THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$1,322,636 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,259,653 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.

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

The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Borough of Hightstown, in the County of Mercer, New Jersey (the "Borough") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$1,322,636, including the sum of \$62,983 as the down payment required by the Local Bond Law, including grants expected to be received from the Federal Emergency Management Agency ("FEMA") and payments or reimbursements from the Borough's joint insurance fund which are expected to cover most or all of the appropriation. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

In order to finance the cost of the improvement or purpose and in anticipation of the receipt of the FEMA Grants and the Borough's joint insurance referred to in Section 1, negotiable bonds are hereby authorized to be issued in the principal amount of \$1,259,653 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

(a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is to fund Emergency Authorizations for damage incurred as a result of Hurricane Irene, including improvements to Borough facilities and replacement of equipment, including all related costs and expenditures incidental thereto and further including all work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is \$1,259,653.

(c) The estimated cost of the improvement or purpose is \$1,600,000, which includes the appropriation of \$1,322,636 and \$277,364 already received by the Borough from FEMA and the Borough's joint insurance fund equal to the amount of the appropriation herein made therefor.

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

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

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

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

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

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$1,259,653 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$400,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 7. The Borough hereby declares the intent of the Borough to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

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

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

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

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

#### **Resolution 2012-108 Introduction of Budget for 2012**

Mayor Kirson explained that the increase in the municipal budget for this year averages about \$72.00 per household and is necessary due to the affects of tax appeals and reduction of revenue from the 9-1-1 agreement with Cranbury Township.

Police Director LeTellier then stated “the proposed 2012 Hightstown municipal budget has contained within such funding that would allow the Police Director the opportunity to discuss with the PBA issues that might ultimately permit the Mayor and Council to hire up to two entry level police officers to the Department. The mere fact that there are monies allocated in this proposed budget does not mean that any, one or two entry level police officers will be added to the Hightstown Police Department. It merely gives the Mayor and Council, in consultation with the Police Director and Borough Administrator, options as to police department manpower.” He also noted that he will not sell the Borough or its residents short and he is thinking in the long-term; over time, with planned retirements, hiring the additional officers can actually reduce costs to run the department. He confirmed that Council action will be needed for any hires to take place. Council discussion ensued and it was noted that shared services should be considered and that the Director statement confirms that by budgeting the funds action is available, however Council has not yet agreed to make any hires.

Council President Quattrone moved resolution 2012-108 for introduction of the 2012 municipal budget, Councilmember Woods seconded.

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

Resolution adopted 6-0; 2012 Budget introduced; Public hearing to be held on May 21, 2012.

#### **Resolution 2012-109 Authorizing the Payment of Bills**

Council President Quattrone moved Resolution 2012-109, Councilmember Woods seconded.

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

Resolution adopted, 6-0.

Resolution 2012-109

*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 \$ 49,054.40 from the following accounts

Current	\$	40,939.90	
W/S Operating		6,777.94	
General Capital		210.36	
Water/Sewer Capital			
Grant			
Trust		335.95	
Housing Trust		-	
Animal Control			
Law Enforcement Trust			
Housing Rehab Loans		-	
Unemployment Trust		-	
Escrow			290.25
Federal Forfeiture		<u>500.00</u>	
Total	\$	<u>49,054.40</u>	

**Resolution 2012-110 Authorizing Disposition of Property No Longer Needed for Public Use**

Council President Quattrone moved Resolution 2012-110; Councilmember Woods seconded.

April 2, 2012

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Debra Sopronyi, Borough Clerk and Qualified Purchasing Agent, gave an explanation of the resolution.

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

Resolution adopted, 6-0.

Resolution 2012-110

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

**AUTHORIZING THE SALE OF SURPLUS PROPERTY NO LONGER NEEDED FOR PUBLIC USE**

**WHEREAS**, the Purchasing Agent, Superintendent of Public Works and Police Director have determined that there is property no longer needed for public use; and

**WHEREAS**, the State of New Jersey permits the sale of surplus property no longer needed for public use, pursuant to the Local Public Contract Law 40A:11-36.; and

**WHEREAS**, the Purchasing Agent Superintendent of Public Works and Police Director recommend the property listed herein be sold for scrap value due to age, inoperability, repair costs and environmental concerns:

<b>VEHICLE/EQUIPMENT FOR SCRAP</b>	<b>VIN #</b>
63 Bicycles	N/A
1994 Chevrolet Caprice	1G1BL52PXRR197638
1998 Ford Crown Victoria	2FAFP71W7WX152195
1990 Dodge Pick-Up D150S	1B7GE06X2L5756992
1983 Dodge Utility 1 Ton	1B6WW3405D5409813
1966 Ford	P35AL750050

; and

**WHEREAS**, tonnage derived from the recycling of this equipment may also be recorded as metal recycled and applied toward the tonnage grant in 2013; and

**WHEREAS**, the Mayor and Council finds it in the best interest of the community to dispose of this scrap equipment in a timely and efficient manner which includes the recycling of the equipment for scrap value; and

**WHEREAS**, the Superintendent of Public Works will solicit quotations for the recycling of this scrap metal equipment under the supervision of the Purchasing Agent.

**NOW THEREFORE BE IT RESOLVED** that the Mayor and Borough Council hereby declares the equipment as listed to be no longer needed for public use and authorizes the Superintendent of Public Works to accept quotations for the scrap value of the equipment as listed herein, said quotations to be reviewed and approved by the Purchasing Agent prior to recycling.

**Fire Department Boat**

Councilmember Bibens, Liaison to the Fire Department, stated the Chief VanKirk could not attend, however the Fire Department has decided to use donations for the purchase of the Zodiak and thanks Council for their support. It will not be necessary to move forward on the ordinance that was being discussed for this purchase.

**Fluoridation**

Mayor Kirson distributed and reviewed with Council the Water Department monthly DEP reports. Councilmember Thibault stated that there was a previous request for documentation and interviews with the Water Department employees as part of the sub-committee investigation into the incident. Councilmember Bibens noted an article in the Patch where NJDEP assumed responsibility for a lack of communication and asked that the investigation cease because it is not needed. Councilmember Thibault commented that the DEP website states that they were notified in 2012 that fluoridation of the Borough water had ceased in 2010.

Mayor Kirson inquired as to whether Council would like the sub-committee to continue their investigation into the incident. Councilmember Doran noted that the sub-committee was formed however she is not convinced that an investigation is needed. Councilmember Bluth stated that she feels the sub-committee was stone-walled. Mr. Theokas acknowledged that the documents requested are not due to the sub-committee for April 9<sup>th</sup> and the employees involved had requested that the meeting be postponed until they could have representation present; he confirmed that pursuant to his previous e-mail to Council, he has developed a process and it is now in place, the Water Department was not in violation with the action taken to notify the residents regarding the fluoridation cessation. After further discussion, it was decided that the sub-committee will continue with their inquiry into the fluoride cessation matter.

#### **Access to Professionals by Council Members**

Mayor Kirson reminded Council of the Administrator's e-mail requesting that contact with Professionals of the Borough go through the Administrator, Clerk or Mayor. Councilmember Thibault inquired of the Borough Attorney if the Administration and Mayor have a right to limit access to the Professionals. Fred Raffetto, Borough Attorney, responded that a process should be developed by Council and there was additional discussion.

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

Scott Caster, 12 Clover Lane – stated it was a great meeting and very productive but he feels the public should be able to call the professionals too; commented regarding the taxi ordinance; we need better code enforcement.

Eugene Sarafin, 628 S. Main Street – commented that it was a good meeting and the Finance Officer distributed a very good budget summary to the public this evening; fluoridation does prevent cavities, but it is a treatment and users of the water should not be paying for treatments.

The Borough Attorney recommended that Councilmember Bluth recuse herself from the following comments and Councilmember Bluth left the room at this time.

Patty Acree, 16 Powell Court –commented that she is glad to see the Borough has codes and she cited several; noted the she was promised repairs to her property and she cannot live in her residence because they were not made; she needs someone to enforce the codes and look into this matter.

Councilmember Bluth returned to the meeting at this time.

Fran Palumbo, 101 Main Street – commented that she is familiar with Patty Acree's story and she is stating the truth; she can smell mold from outside the Borough Hall building. If Councilmember Thibault wants to argue with other Council members he should do it behind closed doors not at a public meeting.

Isabel McGinty, 152 Broad Street – gave her public perspective on the discussion items and thanked the Police Director for his presentation regarding police staffing, however she does not think Council should permit the hiring of more police personnel.

Dottie Gorman, 15 Powell Court – commented that money should not be considered over safety; Wyckoff Mills is a nice place to live and the wall is being worked on.

Dave Bell, 115 First Avenue – commented that sub-committee action is a good thing.

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

#### **Mayor/Council/Administrative Comments and Committee Report**

Councilmember Bluth – urged Council to increase the insurance limit requirements in the taxi ordinance and noted that she

will investigate code enforcement when she is done with the fluoride inquiry.

Councilmember Thibault – commented that he appreciates the reports from the Police Director and a code enforcement report is needed.

Councilmember Bibens – noted that as Liaison she has met with George Chin in Code Enforcement and he needs help, a part-time assistant should be considered; she based her request to halt the fluoridation investigation on what was reported in the papers; police budget discussions will be forthcoming; we need to move forward with the taxi ordinance.

Councilmember Woods – noted that there was discussion regarding assistance in code enforcement at the budget meetings; she is glad to hear there is movement at Ms. Acree's residence; this was a productive meeting.

Councilmember Doran – commented that Council talking is a good thing; she invited the public to the Hurricane Irene meeting tomorrow night; the Environmental Commission spring clean-up is April 21<sup>st</sup> at 9am and will be followed by an Arbor Day celebration in Dawes Park at noon.

Council President Quattrone – thanked Mr. Theokas for a great job and answers to Council questions; gave a report on trash tonnage and tipping fees; noted the grass and yard waste schedule and duties performed by Public Works; reviewed the Police Department monthly report and thanked Councilmember Woods for all her work on the taxi ordinance.

Mayor Kirson – commented that he lives in Wyckoff Mills and it is a nice place to live; he will look into the Borough's obligation on the housing matter.

Councilmember Woods moved to adjourn at 11:00 pm, Councilmember Doran seconded. All ayes.

Respectfully Submitted,

Debra L. Sopronyi, RMC  
Borough Clerk