

Meeting Minutes
Hightstown Borough Council
Regular Meeting
August 6, 2012
6:00 pm

The meeting was called to order by Council President Quattrone at 6:05 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; James LeTellier, Police Director; Frederick Raffetto, Borough Attorney; and Eric Bernstein, Labor Counsel.

Councilmember Thibault was recused from this portion of the meeting due to the nature of discussion in Executive Session, but will be present for the regular meeting.

Resolution 2012-194 Authorizing a Meeting Which Excludes the Public

Councilmember Woods moved resolution 2012-194, Councilmember Bibens seconded.

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

Resolution adopted, 5-0

Resolution 2012-194

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 August 6, 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:

Public Safety – Police Staffing

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: November 6, 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 Council President Quattrone at 7:34 pm and he again read the Open Public Meetings Act statement.

The Flag Salute followed Roll Call.

Councilmember Thibault joined the meeting at this time.

Councilmember Thibault moved the agenda for approval, Councilmember Woods seconded. All Ayes.

Agenda approved.

Councilmember Bluth moved the minutes of the June 18, 2012, Open Session for approval; Councilmember Thibault seconded.

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

Minutes approved 5-0 with one abstention.

Council President Quattrone moved the minutes of the June 18, 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.

Council President Quattrone moved the minutes of the July 16, 2012 Open Session for approval; Councilmember Woods 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 July 16, 2012 Executive Session for approval; Councilmember Thibault 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 July 2, 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.

Resolution 2012-195 Appointing a Police Lieutenant – Frank Gendron

Councilmember Thibault noted that he must abstain from discussion and vote on this resolution, however he does endorse it.

Council President Quattrone moved resolution 2012-195, Councilmember Doran seconded.

The Police Director stated that he recommends Frank Gendron for this promotion as he is currently acting in this position and has proved himself to be an outstanding asset to the force in this capacity and through Hurricane Irene; hed has also graduated from the FBI Academy.

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

Resolution adopted 5-0 with one abstention.

Council President Quattrone asked that Acting Lieutenant Gendron attend the next meeting to be sworn in to the permanent position.

Resolution 2012-195

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

APPOINTING A POLICE LIEUTENANT – ACTING LT. FRANK GENDRON

WHEREAS, the Borough Council adopted resolution 2012-82 which appointed Sgt. Frank Gendron as Acting Lieutenant in the Hightstown Police Department effective February 7, 2012 at the recommendation of the Police Director; and

WHEREAS, since that time Acting Lieutenant Gendron has demonstrated all of the skills, knowledge and abilities needed to serve the department as its senior police administrator and successfully graduated from the FBI National Academy; and

WHEREAS, in order to maintain the proper and efficient conduct of all police functions it is necessary to appoint a Lieutenant to directly supervise the performance of the law enforcement duties in the Police Department including but not limited to issuing firearm permits, conducting or directing criminal and/or internal affairs investigations; and

WHEREAS, James LeTellier, Police Director, and Council President Lawrence Quattrone, Police Commissioner, have recommended that Acting Lt. Frank Gendron assume the permanent title, duties and salary of Lieutenant effective Monday, August 6, 2012 to establish both a clear chain of command and full compliance with all legal obligations of the Hightstown Police Department.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Hightstown, that Acting Lt. Frank Gendron is hereby appointed as Lieutenant for the Borough of Hightstown Police Department in a permanent capacity effective Monday, August 6, 2012.

Resolution 2012-196 Appointing a Class I Special Officer – Anthony Sturchio

Councilmember Bibens moved resolution 2012-196, Councilmember Doran seconded.

There was discussion and the Police Director commented that Mr. Sturchio is currently the Communications Officer for the Borough and serves as a Housing Inspector, but would like a law enforcement career; once he graduates from the Police Academy he can take this position.

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

Resolution adopted, 5-0, with one abstention.

Resolution 2012-196

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

APPOINTING A CLASS I SPECIAL OFFICER – ANTHONY STURCHIO

WHEREAS, the Mayor and Borough Council recognize that there is a need to hire a Class I Special Officer to assist the Police Department with various duties; and,

WHEREAS, James LeTellier, Police Director, has recommended that Anthony Sturchio be appointed as a Class I Special Officer for the Borough of Hightstown Police Department; and

WHEREAS, Anthony Sturchio is already employed by Hightstown Borough; and,

WHEREAS, the Borough Council finds it in the best interest of the health, safety and welfare of the residents to appoint Anthony Sturchio as a Class I Special Officer.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that Anthony Sturchio is hereby appointed as a Class I Special Officer to assist the Hightstown Police Department.

BE IT FURTHER RESOLVED, that a certified copy of this resolution shall be forwarded to the Police Director, Police Lieutenant, Anthony Sturchio, Personnel File and Payroll.

Resolution 2012-197 Authorizing the Execution of a New Jersey Department of Transportation Resolution, Application and Agreement for State Aid for Grape Run Road and Pershing Avenue

Councilmember Thibault moved resolution 2012-197, Councilmember Bibens seconded.

Mr. Theokas reviewed that this is required for the Borough Engineer to follow the Council's direction to apply for Discretionary Aid or this project.

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

Resolution adopted, 6-0

Resolution 2012-197

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

**AUTHORIZING THE EXECUTION OF A NEW JERSEY DEPARTMENT OF
TRANSPORTATION RESOLUTION, APPLICATION AND AGREEMENT FOR STATE
AID FOR GRAPE RUN ROAD AND PERSHING AVENUE**

WHEREAS, the Borough of Hightstown received notification of a Municipal Aid Grant for the reconstruction of Grape Run Road and Pershing Avenue in the amount of \$220,000.00; and

WHEREAS, the estimated cost for said project is \$412,860.00; and

WHEREAS, assuming the cost of the balance of this project above the grant award would cause financial burden to the Borough; and

WHEREAS, the Mayor and Borough Council find that to preserve the safety and welfare of the public it is necessary to apply for Discretionary Aid for the completion of this project.

THEREFORE BE IT RESOLVED by Mayor and Borough Council of Hightstown Borough that the Mayor and Clerk are authorized to execute the New Jersey Department of Transportation Resolution, Application, and Agreement for State Aid, and associated documentation, for the reconstruction of Grape Run Road and Pershing Avenue.

Resolution 2012-198 Authorizing Payment #1 – Richard T. Barrett Paving Company, Inc. (Summit Street Sidewalks)

Councilmember Thibault moved resolution 2012-198, Councilmember Bibens seconded.

Mr. Theokas reviewed this resolution.

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

Resolution adopted, 6-0

Resolution 2012-198

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

**AUTHORIZING PAYMENT # 1 – RICHARD T. BARRETT PAVING COMPANY, INC.
(SUMMIT STREET SIDEWALKS)**

WHEREAS, on October 17, 2011, the Borough Council awarded a contract for the Summit Street Sidewalk project to Richard T. Barrett Paving Company, Inc. of Trenton, New Jersey in the amount of \$143,990.00; and

WHEREAS, the contractor has submitted payment request #1 for work completed in the amount of \$115,554.45; and

WHEREAS, the Borough Engineer has recommended approval of payment #1 to Richard T. Barrett Paving Company, Inc. in the amount of \$115,554.45; and

WHEREAS, Certified Payrolls have been received for this project; and

WHEREAS, the Treasurer 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 Richard T. Barrett Paving Company, Inc. of Trenton, New Jersey in the amount of \$115,554.45 is hereby approved as detailed herein, and the Treasurer is authorized to issue same.

Walking Bridge Presentation

Darek Hahn, the Chairperson for the Greenway Walking Bridge Committee advised that there is a resolution on the agenda this evening giving permission to bid the bridge. He then reviewed the three parts of the project, which includes the site plan, bridge and footings; he also gave a timeline of the committee's work and actions to-date.

Mr. Hahn noted that the dam inspection revealed that the original bridge was too low and it had to be raised one foot as well as add ADA compliant which will be accomplished by lengthening the bridge. He noted that the committee may need some assistance with the funds needed to complete the project, but they will not know until they know how much the bridge will cost. He then distributed the final plans for the bridge to Council and reviewed same.

Mr. Hahn advised that all the boards and committees in the Borough have participated in the plan, and some have donated to the bridge, including the Planning Board, Environmental Commission, Parks and Recreation Commission, and the Historic Preservation Commission.

There was discussion with Council regarding the bid process. Councilmember Woods acknowledged all of the hard work and time put in by the Bridge Committee and expressed thanks from the Council.

Fluoridation Discussion

Jill Swanson, Health Officer advised Council that it is the Board of Health's recommendation that the Borough begin to re-fluoridate the water supply. She then reviewed the federal guidelines for fluoridation.

Councilmember Thibault, Liaison to the Board of Health, noted community water fluoridation was named by Centers for Disease Control as one of 10 great public health achievements of the 20th century and has been shown to reduce tooth decay by about 25 percent in children and adults. Dental decay is the most common untreated chronic childhood illness, and is one of the most easily preventable. Poor children suffer twice as much dental disease as their more affluent peers, and their disease is more likely to go untreated; according to the most recent U.S. Census 12.8 percent of all families, and 20.5 percent of children in the Borough under the age of 15 live below the poverty level.

Councilmember Doran requested that discussion take place that allows the public to hear the reasons that the Board of Health is making this recommendation. She noted that fluoride is a nasty chemical and there is controversial data on its benefits and disadvantages.

Council President Quattrone noted that there is concern regarding the safety of the staff who must handle the chemical and that protective equipment must be purchased prior to re-implementing fluoridation.

Mr. Theokas reviewed the cost of fluoridation and noted that he will work closely with the NJDEP to assure that proper notifications are made, should the Council decide to re-fluoridate the water supply.

There was discussion regarding data available on the matter. Ms. Swanson noted that there was public discussion on this matter at two Board of Health meetings and there was no public concern expressed at either meeting; Board members reviewed the data and voted to recommend re-fluoridation. The Federal guidelines recommend fluoridation at .7 parts per million and maintenance at that level. There was discussion regarding the history of fluoridation in Hightstown and Ms. Swanson advised that in 2006 the Board of Health reviewed the matter and continued to endorse fluoridation. There was further discussion and Council requested that Ms. Swanson send them the data that the Board of Health reviewed and that discussion continue at the next Borough Council meeting.

Council President Quattrone opened Public Comment Period I and the following individuals spoke:

Phyllis Deal, 305 Stockton Street – commented that fluoridation data may be adverse.

Eugene Sarafin, 628 S. Main Street – commented that there is plenty of fluoride in toothpaste and mouthwash and it should not be imposed on society by putting it in the water; encouraged Council to adopt the taxi ordinance.

Butch from Americas 911 Ride – advised that the Ride will come through Hightstown again this year on August 18th with about 1,200 motorcycles. He thanked Hightstown for representing what America is all about.

There being no further comments, Council President Quattrone closed the public comment period.

Mayor Kirson arrived at 8:19pm.

Ordinance 2012-11 First Reading and Introduction – An Ordinance Amending and Supplementing Chapter 2 Entitled “Administration”, Section 2-55, Entitled “Fees for Municipal Services”, of the “Revised General Ordinances of the Borough of Hightstown, New Jersey.”

Councilmember Woods moved to introduce ordinance 2012-11, Council President Quattrone seconded.

Mr. Theokas reviewed this ordinance and there was discussion regarding exempting residents and/or Hightstown Taxpayers from the Notary Fees in the ordinance. The Borough Attorney was instructed to look into the legality of exempting certain people from the fees. It was requested that this ordinance be brought back to the next meeting with revisions as recommended by the Borough Attorney.

Councilmember Woods and Council President Quattrone withdrew their motions to introduce ordinance 2012-11.

Ordinance 2012-13 First Reading and Introduction – Bond Ordinance Providing for Various Capital Improvements of the Borough of Hightstown, in the County of Mercer, New Jersey, Appropriating the Aggregate Amount of \$262,000 Therefor and Authorizing the Issuance of \$249,500 Bonds or Notes of the Borough to Finance Part of the Cost Thereof

Councilmember Thibault moved to introduce ordinance 2012-13, Councilmember Bibens seconded.

Mr. Theokas and George Lang reviewed this ordinance and advised that the purchase of a new copier is in this ordinance as well as costs for the future maintenance and repair of Borough roads. There was discussion and Mr. Theokas noted that the Borough is responsible for road maintenance and must think ahead; the Borough Engineer and Public Works Superintendent have developed a list of roads that will need these repairs and/or maintenance in the near future. There was discussion.

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

Ordinance introduced 6-0; Final Reading and Public Hearing to be held on August 20, 2012.

ORDINANCE 2012-13

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

**1BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE
BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY,
APPROPRIATING THE AGGREGATE AMOUNT OF \$262,000 THEREFOR AND
AUTHORIZING THE ISSUANCE OF \$249,500 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:

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized to be undertaken by the Borough of Hightstown, in the County of Mercer, New Jersey (the "Borough") as general improvements. For the several improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$262,000, including the aggregate sum of \$12,500 as the several down payments for the improvements or purposes required by the Local Bond Law. The down payments have been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments, negotiable bonds are hereby authorized to be issued in the principal amount of \$249,500 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

<u>Purpose</u>	Appropriation and Estimated Cost	Estimated Maximum Amount of Bonds or Notes	Period of <u>Usefulness</u>
a) The acquisition of a copier, including all related costs and expenditures incidental thereto.	\$20,000	\$19,045	15 years
b) The acquisition and installation of Time and Attendance Software/Hardware, including all related costs and expenditures incidental thereto and further including all work and materials necessary therefor and incidental thereto.	\$20,000	\$19,045	15 years
c) The acquisition of Mobil Vision Cameras and Radios for the Police Department, including all related costs and expenditures incidental thereto.	\$22,000	\$20,950	10 years
d) Milling and paving of roads, all as set forth on a list on file in the Office of the Clerk, including all work and materials necessary therefor and incidental thereto.	<u>\$200,000</u>	<u>\$190,460</u>	10 years
TOTALS	<u>\$262,000</u>	<u>\$249,500</u>	

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the down payment for each purpose.

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

obtained and the name of the purchaser.

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

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

(a) The purposes described in Section 3 of this bond ordinance are not current expenses. They are all improvements that the Borough may lawfully undertake as general improvements, and no part of the costs thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 10.76 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 \$249,500, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$42,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated costs indicated herein for the purposes or improvements.

Section 7. The Borough hereby declares the intent of the Borough to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 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 purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements 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.

Ordinance 2012-14 First Reading and Introduction – Bond Ordinance Providing for Various Capital Water Sewer Improvements in and by the Borough of Hightstown, in the County of Mercer, New Jersey, Appropriating the Aggregate Amount of \$132,000 Therefor and Authorizing the Issuance of \$122,000 Bonds or Notes of the Borough to Finance Part of the Cost Thereof

Councilmember Thibault moved to introduce ordinance 2012-14, Council President Quattrone seconded.

Mr. Theokas reviewed this ordinance and noted that the costs in this ordinance are for a new roof and mitigation work at the water plant. There was discussion regarding grants for mitigation.

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

Ordinance introduced, 6-0; Final Reading and Public Hearing to be held on August 20, 2012.

ORDINANCE 2012-14

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

1BOND ORDINANCE PROVIDING FOR VARIOUS WATER-SEWER IMPROVEMENTS IN AND BY THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$132,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$122,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING THE COST THEREOF

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

Section 1. The improvements described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Borough of Hightstown, in the County of Mercer, New Jersey (the "Borough"). For the improvements or purposes described in Section 3, there is hereby appropriated the sum of \$132,000. Although, no down payments are required as the purposes authorized herein are deemed self-liquidating and the obligations authorized herein are deductible from the gross debt of the Borough, as more fully explained in Section 6(e) of this bond ordinance, an aggregate amount of \$10,000 is nevertheless provided. The down payments have been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvements or purposes not covered by application of the down payments, negotiable bonds are hereby authorized to be issued in the principal amount of \$122,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

<u>Purpose</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
a) Roof replacement, including all work and materials necessary therefor and incidental thereto.	\$30,000	\$27,000	15 years

<u>Purpose</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
b) Mitigation water plant improvements, including all work and materials necessary therefor and incidental thereto.	<u>\$102,000</u>	<u>\$95,000</u>	15 years
TOTALS	<u>\$132,000</u>	<u>\$122,000</u>	

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the down payment for each purpose.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this bond 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 bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

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

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

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are improvements or purposes that the Borough may lawfully undertake as self-liquidating purposes of a municipal public utility. No part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 15 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 \$122,000, but that the net debt of the Borough determined as provided in the Local Bond Law is not increased by this bond ordinance. The obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$12,000 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 purposes or improvements.

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

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

Section 8. Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this bond 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.

Council President Quattrone turned the meeting over to Mayor Kirson at this time.

Ordinance 2012-09 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".

Councilmember Woods moved to adopt ordinance 2012-09, Councilmember Bibens seconded.

Councilmember Doran noted that she is concerned with bidding licenses and moved that the section under 4-21.4(b) that covers bidding of licenses be removed.

There was discussion and the Borough Attorney advised that removing this portion of the ordinance would not be a substantive change and the Council could still move forward with adoption of the ordinance if they vote to make this amendment.

Council President Quattrone seconded the motion to remove the portion of the ordinance regarding bidding of licenses.

Roll Call Vote: Council members Bibens, Bluth, Doran, Quattrone, and Woods voted yes; Councilmember Thibault voted no.

Ordinance amended, 5-1.

The Mayor then opened the public hearing on this ordinance and the following individuals spoke:

Eugene Sarafin, 628 S. Main Street – requested that Council adopt this ordinance.

Scott Caster, 12 Clover Lane – had concerns that five taxi companies would be licensed to operate within the Borough. (the Police Director explained that there are already five companies operating in the Borough); noted a correction that was needed regarding a gender reference in the ordinance; objected to previous accusations of racism ; noted that the taxi stands will take away from the bus stops; referenced insurance certificate requirements (to which the Attorney explained); inquired regarding the Zoning Officer's participation in the application process (to which the Police Director explained); commented on the fees being charged, change notifications and renewals, liability for Driver's employment with a company, background checks, the resolution to lift the moratorium on licensing, ID photo size and insurance regulations.

Keith LePrevost, 213 Greeley Street – related an experience in which damage to his property was caused by a taxi driver.

Anna Pazimo, 5 Strathmore Way, East Windsor – thanked Council for the discussion and would like the word “alien” to be removed from the ordinance; she feels it is racist.

Juan Chuisaca, 154 Mill Run East – thanked Council and noted that he, as a taxi owner, would like to do everything right to work in Hightstown; noted that he will speak with Mr. LePrevost and TuAmigo Taxi about the damage; appreciates the Director working with the taxi owners.

Jose Leon, East Windsor – thanked Council for the opportunity to work in Hightstown and commented that he will follow all rules to do so.

Carlos Quiridumbay, East Windsor – thanked the Mayor, Police Director and Council for working with the taxi companies and developing an ordinance that is beneficial to the community.

Scott Caster, 12 Clover Lane – commented that he wishes Hightstown would work as well with the businesses in town to help them and that the number of cabs being licensed should be lower.

Dave Bell, 114 First Avenue – commented that all the cabs are from East Windsor, but are parked in Hightstown; the residents cannot use the taxis because they are self-segregating, they need to speak English.

There being no further comments, the Mayor closed the public hearing on ordinance 2012-09.

Councilmember Thibault – commented that the racism charge is very hurtful; gave statistics regarding the number of cabs and the limits on the insurance requirement should be higher; this ordinance will negatively impact the Borough and he cannot vote for it.

Councilmember Bluth – commented that she is concerned with the low insurance limits and cannot vote for an ordinance that does not require limits of 100/300; encouraged Council to vote down the ordinance.

Councilmember Bibens – inquired as to who determines if the owners and drivers can read and speak English sufficiently to communicate. The Police Director gave an explanation.

There was additional discussion.

The Borough Attorney noted that the gender language used on page three can be amended to read the Borough Clerk’s Office.

Councilmember Bibens moved to amend the ordinance to eliminate “her” and replace it with “Borough Clerk’s Office”, Councilmember Doran seconded the motion.

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

Ordinance amended, 5-0 with one abstention.

The Mayor then called for a vote on the adoption of the amended ordinance.

Roll Call Vote: Council members Bibens, Doran, Quattrone, and Woods voted yes; Council members Bluth and Thibault voted no.

Ordinance adopted as amended, 4-2.

ORDINANCE 2012-09

*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:

Borough shall mean the Borough of Hightstown.

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

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

Owner shall mean any person, business entity, association or other legal entity 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 Subsection 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 Subsection 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.

4-21.2 Licenses Required.

No person shall operate a taxicab within the Borough unless both the owner and the driver of the taxicab are licensed under this section.

4-21.3 Types of Licenses.

- a. Taxicab Driver's License. The holder of a taxicab driver's license shall be entitled to operate within the Borough any taxicab whose owner has been licensed under this Section.
- b. Taxicab Owner's License. The holder of a taxicab owner's license shall be entitled to operate a taxicab owned by him or leased 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. The Borough will make available on an annual basis a maximum of five (5) taxicab owner's licenses, subject to the provisions of sub-paragraph "b" below. 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 statement for renewal (per the provisions of sub-paragraph "i" below) prior to January 1st, shall be afforded the first opportunity for re-licensing. All other applicants shall be afforded the opportunity to obtain a taxicab owner's license after January 1st.
- b. Should the Borough determine to authorize the issuance of one or more new or additional taxicab owner's licenses beyond the maximum number referenced in sub-paragraph "a" above, then such issuance shall be authorized by future Ordinance of the Governing Body.

a.c. Application Information.

1. ~~Application for a taxicab owner's license above shall be made to the Borough Clerk on forms provided by her the Borough Clerk's Office. Any changes to the information included in the application which occur during the licensing period shall be reported to the Borough Clerk 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. *Insurance requirements.* 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 coverage which is in effect and 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 leased vehicles of the applicant or must specify by description all of the vehicles to which the coverage applies. Said proof of insurance must also indicate that the Borough will be notified with shall receive advance written notice of at least thirty (30) days advance notice should the coverage be cancelled or non-renewed prior to any cancellation or non-renewal thereof, except that no less than ten (10) days advance written notice shall be provided for non-payment of premium. The insurance policy shall provide for the payment of any final judgment recovered by any person on account of the ownership, maintenance, or use of the vehicle(s) of the applicant, or any fault in respect thereto, and shall be for the benefit of every person suffering loss, damage or injury as aforesaid. The Borough of Hightstown shall be named as an additional insured on any insurance policy submitted in accordance with the requirements of this section. If the taxicab owner's application for license applies to more than one vehicle, the taxicab owner may satisfy the insurance requirements specified herein through the submission of a blanket bond or insurance policy which meets the criteria specified in N.J.S.A. 48:16-4.
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 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. d.~~ Investigation; Grant or Denial of License Hearing before Council. The Chief of Police or a Police Officer designated by him Police Director or his designee shall investigate the all applications. A copy of the application shall also be provided to the Zoning Officer for review and for a determination that the proposed location of the taxi operation does not violate applicable zoning regulations. A report containing the results of the Police investigation and evaluation, a recommendation by the Chief of Police Police Director or his designee that the license be granted or denied, and the reasons for his such recommendation shall be forwarded to the Council Police Director (i.e., in cases where the investigation is performed by the Police Director's designee) and the Police Commissioner. A report regarding the Zoning Officer's findings shall also be provided to the Council 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 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.

~~e. e.~~ Factors Considered. In determining whether to grant or deny the license, the Council 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(s) 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. f.~~ Issuance of License. ~~The Council shall, by resolution, grant or deny the license.~~ If the application is approved by the Police Director, the Clerk Police Department shall issue the license.

~~e. g.~~ License Term; Fees.

1. A taxicab owner's license shall be valid for the remainder of the calendar year for which it is issued, expiring on December 31st of said year.
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. For licenses issued in 2012, the license fee shall be pro-rated. For licenses issued in 2013 and thereafter, all applicants shall be charged the full nonrefundable license fee amount.

- h. In those cases where the license has been denied, 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 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.
- f. i. Renewals. A taxicab owner's license may shall be renewed by the Council 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 upon the completion of the investigation set forth in paragraph (d) above indicating results that are satisfactory to the Police Director.
- j. 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 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 for investigation and approval processing, screening 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 ~~must not have been convicted of any crime involving moral turpitude be fingerprinted by the Police Department and submit to the performance of a criminal history record background check (both State and Federal). All costs associated with administering and processing the background check(s) shall paid by the applicant. An applicant 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 as having been committed by the applicant in New Jersey or elsewhere, or a record of conviction of a crime in another jurisdiction in the world which, in that jurisdiction, is comparable to any of the following crimes:

- (1) Aggravated assault;
- (2) Arson;
- (3) Burglary;
- (4) Escape;
- (5) Extortion;
- (6) Homicide;
- (7) Kidnapping
- (8) Robbery;
- (9) Aggravated Sexual assault;
- (10) Sexual assault;
- (11) 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
- (12) A crime pursuant to the provisions of N.J.S.A. 2C:39-3, N.J.S.A. 2C:39-4 or N.J.S.A. 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.

The above automatic disqualification shall not apply, however, to those applicants who were convicted of any of the above crimes prior to the effective date of this Ordinance and who had previously received the consent of the Borough to operate a taxicab within the Borough and who had a valid taxicab driver's license issued and in effect by the Borough as of the effective date of P.L. 2011, c.135.

Additionally, 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 of 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 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) ~~Be fingerprinted by the Police Department, with a report therein received from the State Police or Federal Bureau of Investigation.~~
 - (j) ~~(h)~~ Applicant must not have been convicted, within the three (3) years prior to the date of the application, of reckless driving, ~~driving while intoxicated~~, leaving the scene of an accident or driving more than thirty (30) miles an hour above the speed limit, and applicant must not have been convicted, within the five (5) years prior to the date of the application of driving while intoxicated.
 - (k) ~~(i)~~ 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) ~~(j)~~ Requirements (d) and ~~(i)~~ (g) 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:
 - (1) Certification by the applicant that he or she meets all of the requirements (a), (b), (c), (d), (e), (f), (g), (h), (i), (j) and (k) of Section 4-21.5(a)(1) set forth in sub-paragraph "a(1)" of Subsection 4-21.5 above.
 - (2) If not a United States citizen, a copy of alien registration card or work permit.
 - (3) Current valid taxicab driver's license from any other Mercer County municipality.
 - (4) 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, subject to pro-ration in 2012 in accordance with the provisions of sub-paragraph "d" below.
3. The application shall be accompanied by two (2) un-mounted, un-retouched glossy photographs of the face 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 and shall be passport picture quality. 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 or his designee shall investigate the application and shall report the results to the Council Police Director (i.e., in cases where the investigation is performed by the Police Director's designee) 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 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~~ Police Director, the ~~Clerk~~ Police Department 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, expiring on December 31st of said year. Licenses issued in 2012 shall be subject to a fee of fifty (\$50.00) dollars per license, which shall be pro-rated. Such fee shall be nonrefundable in the event that the application is denied. Licenses issued in 2013 and thereafter shall be subject to a nonrefundable non-prorated fee of fifty (\$50.00) dollars per license. 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 per year, and processing, screening and determination of the application in accordance with all of the procedures set forth above.
- 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 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 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 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 and driver's license (with photo) 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 also 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.
- t. 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.~~

~~4-21.8 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.~~
- 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 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.~~

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

~~The Council may establish, by resolution, rules and regulations relating to the operation of taxicabs and the conduct of licensees. A copy of the rules and regulations shall be furnished to each licensee.~~

~~4-21.11 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.~~

4-21.7 License Regulations.

- a. Licenses issued pursuant to this section 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.

4-21.12 4-21.8 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.
- b. In all other cases, licenses may be 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.
- a. In addition to the causes for revocation of a license set forth in ~~§~~Subsection 4-1.10, any license issued under this section 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.
 - 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 section.
 - 6. Failure to maintain the proper amount of insurance on licensed taxicab vehicles pursuant to valid and effective insurance policies, as required by this section.
- ~~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. Conviction of one of the crimes listed in Subsection 4-21.5a1(g) above, in New Jersey or elsewhere.

~~4-21.13~~ 4-21.9 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.

~~4-21.14~~ 4-21.10 Violations and Penalties.

- a. Licenses issued pursuant to this section may be suspended or revoked in accordance with Subsection 4-21.8 for the reasons set forth therein.
- b. For other violations of this section, 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 2012-10 Final Reading and Public Hearing – An Ordinance Amending and Supplementing Various Sections of Chapter 7 Entitled “Traffic,” of the “Revised General Ordinances of the Borough of Hightstown, New Jersey” Relating to Taxicab Issues.

The Mayor opened the public hearing on this ordinance and the following individuals spoke:

Patricia Dill, Business Owner in East Windsor – inquired as to what makes the taxis different from every other business owner, why are they given specialized reserved parking? The Police Director responded that the stands are on public property and adjacent to public transportation, well-lit and safer.

Norman Billings, 245 Stockton Street – inquired as to how many complaints can be filed against a taxi company and whether the Police Department investigates reports of parking on private property; where are the stands on Stockton Street? The Police director responded that the taxi stands on Stockton Street are the spots near the liquor store and that parking on private property is currently being discussed.

Eugene Sarafin, 628 S. Main Street – suggested charging small business for reserved parking spots in the Borough and noted he is impressed with the efforts of the Professionals in developing an ordinance that will benefit the Borough.

Scott Caster, 12 Clover Lane – agreed that the taxi stands are beneficial, but he does not like the chosen locations, particularly on Stockton Street; he suggested putting them on Main Street.

There being no more comments, Mayor Kirson closed the public hearing.

Councilmember Woods moved ordinance 2012-10 for adoption, Councilmember Bibens seconded.

There was discussion regarding parking, taxi stands and the cost of the signs for the taxi stands.

Roll Call Vote: Council members Bibens, Bluth, Doran, Quattrone, and Woods voted yes; Councilmember Thibault voted no.

Ordinance adopted, 5-1.

ORDINANCE 2012-10

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

AN ORDINANCE AMENDING AND SUPPLEMENTING VARIOUS SECTIONS OF CHAPTER 7, ENTITLED "TRAFFIC," OF THE "REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN, NEW JERSEY," RELATING TO TAXICAB ISSUES.

WHEREAS, the Borough Council (the "Borough Council") of the Borough of Hightstown, New Jersey, wishes to amend various sections of Chapter 7 of the Borough Code relating to taxicab issues, 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, as follows:

1. That Section 7.1, entitled "Definitions," of Chapter 7, "Traffic," of the "Revised General Ordinances of the Borough of Hightstown, New Jersey" is hereby amended and supplemented at Subsection 7-1.1 thereof, entitled "Words and Phrases," in the following respects (additions are shown with underline):

7-1.1 Words and Phrases.

Whenever any words and phrases are used in this chapter, the meaning respectively ascribed to them in N.J.S. 39:1-1 shall be deemed to apply to such words and phrases used herein.

In addition, 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.

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.

Taxi Stand shall mean a section of a public street or of a public place, or a section of private property with the express written consent of the property owner or other authorized representative, 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 the street or other public or private place, or by other clearly visible markings that are approved by the Hightstown Borough Police Department.

2. That Chapter 7, "Traffic," of the "Revised General Ordinances of the Borough of Hightstown, New Jersey" is hereby amended and supplemented in order to *establish* a new Section thereof, located at Section 7-16, to be entitled "Taxicab Regulations," as follows:

7-16 TAXICAB REGULATIONS.

7-16.1 Exterior Taxicab Identification Required.

- a. Identification Required. All taxicabs shall display on the body of the vehicle the taxi license number issued to that vehicle pursuant to Section 4-21 of the Borough Code, 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.

7-16.2 Rates of Fare.

- a. Fares shall be conspicuously displayed in each taxicab.
- b. 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. 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.

7.16.3 Operational Regulations.

- a. All taxicab owners and drivers shall be licensed pursuant to Section 4-21 of the Borough Code.
- b. No taxicab shall stop, stand or remain idle on a public roadway or other public property within the Borough for a period of time in excess of fifteen (15) consecutive minutes without the prior approval of the Borough, unless said location has been properly designated as a taxi stand pursuant to Section 7-26 of this Chapter. Taxicabs while out of service (with an appropriate sign posted), or while parked by the owner or driver at their place of residence, shall be exempt from this regulation.
- c. No taxicab shall be parked or shall remain standing idle on any commercial property for the purpose of utilizing said property as a taxi stand without the express written consent of the property owner or other authorized representative, and the proper designation of said property as a taxi stand by the Borough pursuant to Section 7-26 of this Chapter.
- d. No taxicab shall remain "idling" with the engine running for more than three (3) consecutive minutes on any public roadway or other public property within the Borough, or on any private property within the Borough.
- e. Cruising is prohibited within the Borough.
- f. No person, while operating or attending a taxicab for hire, shall:
 - 1. Obstruct any sidewalk; or

2. Knowingly misinform or mislead any person as to the location of a destination.
 - g. 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 fourteen (14) days of the accident. Such information shall be placed in the Borough's records regarding the taxicab owner and taxicab driver.
 - h. All taxicab owners 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 date, time, pick-up location, destination, number of passengers and fare charged.
 - i. All taxicab vehicles shall be kept clean and free of debris.
 - j. Each licensed taxicab driver shall be clean in person and fully dressed while on duty, including shirt, pants and shoes.
 - k. Taxicab drivers and passengers shall refrain from smoking within the taxicab vehicle while a hired trip is in progress. This prohibition shall be conspicuously posted in each Borough licensed taxicab vehicle.
 - l. No driver shall operate a taxicab after fourteen (14) consecutive working hours without an eight (8) hour rest period.
 - m. 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.
 - n. Taxicabs shall be used exclusively for purposes of transportation of passengers and their baggage.
 - o. No owner or driver of a taxicab shall be obliged to transport any person who is not orderly.
 - p. Taxicab drivers who are on-duty and available for hire shall not refuse to offer their services to potential patrons who are disabled, on the basis of said disability.

3. That Section 7.26, entitled "Taxi Stands," of Chapter 7, "Traffic," of the "Revised General Ordinances of the Borough of Hightstown, New Jersey" is hereby amended and supplemented at Subsection 7-26.1 thereof, entitled "Taxi Stands," in the following specific respects (additions are shown with underline; deletions are shown with ~~strikeout~~):

7-26.1 Taxi Stands.

- a. The locations described are hereby designated as ~~T~~taxi Sstands. No vehicle other than a taxi ~~shall currently licensed by Hightstown Borough pursuant to Section 4-21 of this Chapter shall~~ be permitted to occupy these locations during the times indicated.

	<u>Street</u>	<u>Location</u>	<u>Hours</u>
(Reserved)			
<u>Intersection of</u>	<u>Municipal Parking Lot</u>	<u>All</u>	
<u>Railroad Avenue</u>	<u>(First two spaces closest</u>		
<u>and Rogers Avenue to Rogers Avenue)</u>			
<u>Intersection of</u>	<u>Northwest corner</u>	<u>All</u>	
<u>Broad Street and</u>	<u>(Two parking spaces)</u>		
<u>Franklin Street</u>			
<u>Stockton Street</u>	<u>Cut-out by Railroad Avenue</u>	<u>All</u>	
	<u>on south side (Two parking spaces)</u>		

- ~~b. No taxicab shall be parked or shall remain standing idle for an extended period of time on a public roadway within a residential zoning district within the Borough without prior approval of the Borough.~~
- ~~e. No taxicab shall stand or be parked on any commercial property without the express written consent of the property owner. Such consent must be provided to the Borough with the annual taxi company license application.~~
- b. In order for any portion of private property to be utilized as a taxi stand, the property owner or other authorized representative must file its express written consent for same with the Borough Clerk and the Hightstown Borough Police Department.
- c. No more than one (1) taxicab vehicle from the same taxicab owner's company shall be permitted to be parked, or to otherwise occupy, the same taxi stand at the same time (i.e., simultaneously).
- d. No taxicab shall remain "idling" with the engine running for more than three (3) consecutive minutes at any taxi stand.
- e. Every taxicab, while occupying space at a taxi stand, shall be immediately available for hire.
- f. Only a taxicab licensed by Hightstown Borough may occupy or deliver a passenger to a taxi stand in the Borough.
- g. Each taxi stand shall be marked with a statement that the stand is reserved for taxicabs licensed by Hightstown Borough only.
- h. No person operating a taxi shall perform maintenance of any kind while occupying space at a taxi stand.

- i. No taxicabs shall be permitted to be parked, or to otherwise occupy, any taxi stand during times of emergency or during a snow event, as directed by the Hightstown Borough Police Department.
- 4. That all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.
- 5. 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.
- 6. That this Ordinance shall take effect upon final passage and publication in accordance with the law.

Ordinance 2012-12 Final Reading and Public Hearing – An Ordinance Amending and Supplementing Chapter 25-1, et. seq. Entitled “Stormwater Control,” and Section 26-9 Entitled “Subdivision, Site Plan, Variance and Sign Variance Checklists for Development Applications Filed Pursuant to Hightstown Development Regulations” of the “Revised General Ordinances of the Borough of Hightstown, New Jersey”.

Mayor opened the public hearing on this ordinance and the following individuals spoke:

Barbara Jones, 216 Greeley Street – thanked Council for adopting this ordinance, it will be beneficial for the Borough.

Scott Caster, 12 Clover Lane – thanked Council for this ordinance.

Joan McGee, Stonybrook Watershed Commission - thanked Council for this ordinance.

There being no further comments, the Mayor closed the public hearing on ordinance 2012-12.

Councilmember Thibault – commented that he is concerned about the square footage under development requirement without Planning Board approval. Barbara Jones, Environmental Commission Chair explained that it falls under the Zoning Officer.

Council President Quattrone moved to adopt ordinance 2012-12, Councilmember Bibens seconded.

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

Ordinance adopted, 6-0.

Ordinance 2012-12

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

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 25-1, ET. SEQ. ENTITLED “STORMWATER CONTROL” AND SECTION 26-9 ENTITLED “SUBDIVISION, SITE PLAN, VARIANCE AND SIGN VARIANCE CHECKLISTS FOR DEVELOPMENT APPLICATIONS FILED PURSUANT TO HIGHTSTOWN DEVELOPMENT REGULATIONS” OF THE “REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN, NEW JERSEY.”

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY, that the following amendments are hereby adopted to provide improved Stormwater Control within Hightstown Borough:

SECTION 1: Purpose

Hightstown Borough seeks to improve its Municipal Stormwater Control Ordinance, which is required under the Municipal Land Use Law (N.J.S.A. 40:55D-93), and N.J.A.C. 7:8-1 et seq., to better achieve its Master Plan goals to protect the life, health, safety, and property of its residents and property owners. The Borough requires additional protections to achieve the objectives of its Stormwater Master Plan, which include: reducing flood damage, including

damage to life and property; minimizing stormwater runoff from new land disturbance that will aggravate flood damage; reducing soil erosion from new development and redevelopment; assuring the safety and adequacy of culverts and bridges; inducing water recharge wherever possible; preventing nonpoint pollution wherever possible; maintaining the integrity of stream channels; and minimizing public safety hazards from stormwater detention facilities. These objectives continue to be of paramount importance to Hightstown residents and property owners because of the increased intensity and frequency of storm events, which continue to negatively affect the Borough and pose threats to life and property.

In addition, Hightstown's Municipal Master Plan and 2005 Reexamination Report continue to promote viable commercial facilities, a mixed use downtown, economic development, and its vibrant Historic District. These goals will not be met if the Borough's downtown area continues to flood, suffer from pollution, and have repeated damage to structures and interrupted business activity. Better management of stormwater will assist in the protection of all properties, and in the continued economic viability of the Borough.

SECTION 2: Amend Section 25-1, **Scope and Purpose**, as follows:

C. Applicability

1. The ordinance shall be applicable to all site plans and subdivisions for the following major developments that require preliminary or final site plan or subdivision review:

a. Non-residential major developments; and

b. Aspects of residential major developments that are not pre-empted by the Residential Site Improvement Standards at N.J.A.C. 5:21.

2. This ordinance shall also be applicable to all major developments undertaken by the Borough of Hightstown.

3. This ordinance shall also apply to any Borough issued Zoning Permits which are not covered under items 1 and 2 above. The Zoning Officer shall provide a copy of all applications for Zoning permit issued in accordance with this section to the Borough's Environmental Commission for review and recommendation.

SECTION 3: Amend Section 25-2, **Definitions**, as follows:

~~"Major Development" means: any development that provides for ultimately disturbing one or more acres of land. Disturbance for the purpose of this rule is the placement of impervious surface or exposure and/or movement of soil or bedrock or clearing, cutting, or removing of vegetation.~~

A. Development without Planning Board Approval:

Any development that provides for the ultimate disturbance of 1,000 square feet or more of soil, or the construction or redevelopment of 250 square feet or more of impervious surface of any type for which only a Zoning Permit is required. Disturbance for the purpose of this rule is the placement or replacement/redevelopment of impervious surface; exposure and/or movement of soil or bedrock; or clearing, cutting, or removing of all vegetation. Existing residential single-family dwellings and other residential and non-residential development, which otherwise meet the definition of "major development" under this ordinance, because of the amount of disturbance, shall be subject to review by the Environmental Commission, a subcommittee or a designee thereof. The Environmental Commission, subcommittee or a designee thereof, shall make written recommendations as shall be appropriate regarding non-structural methods, such as rain gardens, pervious pavement, vegetative swales, etc., to improve stormwater management within the time periods required by law. The Environmental Commission may refer development or redevelopment under this section to the Borough Engineer for stormwater review as needed, in its discretion. Failure of the Environmental Commission to provide recommendations shall not prevent the Zoning Official from issuing permit(s) under the time period(s) required by law.

B. Development with Planning Board Approval

Any New development and/or redevelopment, which meets the definition of "major development" under state

law, in N.J.A.C. 7:8-1.2 (Definitions), i.e. one-quarter acre of new impervious cover and/or one acre of disturbance, shall be required to comply with the non-structural point system and/or the construction of structural stormwater management measures, as specified in Section 25-4 of the Revised General Ordinances of the Borough of Hightstown.

SECTION 4: Amend 25-4 (C), **Stormwater Management Requirements for Major Development**, as follows:

- C. The following linear development projects are exempt from stormwater runoff quantity and quality requirements of Sections 4.F and 4.G:
 1. The construction of an underground utility line, provided that the disturbed areas are revegetated upon completion;
 2. The construction of an above ground utility line provided that the existing conditions are maintained to the maximum extent **practicable possible**; and/or
 3. The construction of a public pedestrian access, such as a sidewalk or trail with a maximum width of fourteen (14) feet, provided that the access is made of permeable material, **or provided that an access made of impervious material occurs solely as a replacement for existing material and no permeable material is practical for this use**;

SECTION 5: Amend Section 26-9-1, **Checklist for Subdivisions**, to add a new section 26-9-14 (h), as follows:

14. Stormwater Management Submission, including the following in accordance with Section 25-9 of the Revised General Ordinances of the Borough of Hightstown:

h. A Stormwater Management Plan incorporating as many non-structural stormwater management measures as can feasibly be accommodated on the site, including but not limited to rain gardens, pervious pavement, rain barrels, native vegetative swales, and the required non-structural stormwater management strategies incorporated at N.J.A.C. 7:8-5.9(a)1., and an explanation as to why additional non-structural measures could not be used, subject to the review and approval of the Borough Engineer, if so requested by the Planning Board.

SECTION 6: Amend Section 26-9-1(c), **Requirements for Minor Subdivision**, to add the following to 26-9-1(c) 18:

18. Provisions for collecting and discharging stormwater runoff. A composite grading and drainage plan of the entire development shall accompany each submission. This plan shall identify finished floor elevations, all high and low points, breaks in grade, and tentative elevation at the corners of the house locations on each lot. A Stormwater Management Plan incorporating as many non-structural stormwater management measures as can feasibly be accommodated on the site, including but not limited to rain gardens, pervious pavement, rain barrels, native vegetative swales, and the required non-structural stormwater management strategies incorporated at N.J.A.C. 7:8-5.9(a)1., and an explanation as to why additional non-structural measures could not be used, subject to the review and approval of the Borough Engineer, if so requested by the Planning Board.

SECTION 7: Add a new section 26-9-2(a) 29(h), **Checklist for Site Plans**, as follows:

29. Stormwater Management Submission, including the following in accordance with Section 25-9 of the Revised General Ordinances of the Borough of Hightstown:

h. A Stormwater Management Plan incorporating as many non-structural stormwater management measures as can feasibly be accommodated on the site, including but not limited to rain gardens, pervious pavement, rain barrels, native vegetative swales, and the required non-structural stormwater management strategies incorporated at N.J.A.C. 7:8-5.9(a)1., and an explanation as to why additional non-structural measures could not be used, subject to the review and approval of the Borough Engineer, if so requested by the Planning Board.

SECTION 8: Add a new section 26-9-3(a) 11, **Checklist for Variances**, as follows:

11. A Stormwater Management Plan incorporating as many non-structural stormwater management measures as can feasibly be accommodated on the site, including but not limited to rain gardens, pervious

pavement, rain barrels, native vegetative swales, and the required non-structural stormwater management strategies incorporated at N.J.A.C. 7:8-5.9(a)1, and an explanation as to why additional non-structural measures could not be used, subject to the review and approval of the Borough Engineer, if so requested by the Planning Board.

SECTION 9: Severability

The provisions of this Ordinance are severable, and the invalidity of any section, subdivision, paragraph or other wording in this Ordinance shall not affect the validity or effectiveness of the remainder of this Ordinance.

SECTION 10: Effective Date

This Ordinance shall take effect upon compliance with procedures prescribed by law, including NJSA 40:55D-97 of the Municipal Land Use Law (Submission of plan and ordinances to County Planning Board for approval).

The Mayor called for a five minute recess at this time.

Council re-convened at 10:55pm and Mayor Kirson turned the meeting back over to Council President Quattrone because he was not feeling well.

Councilmember Thibault moved resolutions 2012-200, 2012-201, 2012-202, 2012-203, 2012-204, 2012-206, and 2012-208 as a consent agenda, Councilmember Bibens seconded.

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

Resolutions adopted, 6-0.

Resolution 2012-200

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

A RESOLUTION AUTHORIZING THE BOROUGH OF HIGHTSTOWN TO ENTER INTO AN AGREEMENT WITH “THE HIGHTSTOWN GROUP HOME” FOR THE EXPENDITURE OF AFFORDABLE HOUSING TRUST FUNDS IN ORDER TO FACILITATE THE CONTINUATION OF AFFORDABLE HOUSING UNITS WITHIN THE BOROUGH

WHEREAS, the Borough of Hightstown (the “Borough”) petitioned the Council on Affordable Housing (“COAH”) for substantive certification of its housing element and fair share plan in 2005; and

WHEREAS, the Borough has previously adopted Ordinance(s) authorizing the imposition and collection of development fees in connection with certain new residential and non-residential construction in the Borough, which funds were to be deposited into an Affordable Housing Trust Fund (also referenced as the “Trust Fund”); and

WHEREAS, the monies collected and deposited into the Trust Fund were intended to be utilized in order to facilitate the construction and/or rehabilitation of affordable units within the Borough; and

WHEREAS, COAH has previously approved the Borough’s Development Fees Ordinance(s); and

WHEREAS, to date, the Borough has collected in excess of \$400,000 in development fees; and

WHEREAS, as of December 31, 2011, the balance of funds on deposit in the Trust Fund was \$395,881.73; and

WHEREAS, the Borough has previously approved a Spending Plan concerning the Borough’s intentions with regard to the expenditure of the funds on deposit in the Trust Fund, in an effort to facilitate the construction and/or rehabilitation of affordable housing units within the Borough; and

WHEREAS, following the Borough Council’s approval of the proposed Spending Plan, the Borough forwarded the same to COAH on or about December 30, 2008 seeking COAH’s formal review and approval of the same; and

WHEREAS, notwithstanding the good faith filing of the Spending Plan with COAH at that time by the Borough, COAH has never formally taken any action with regard to the Borough's Spending Plan; and

WHEREAS, during the years which have elapsed since the initial filing of the Borough's Spending Plan with COAH, the Borough's intentions with respect to the expenditure of the funds collected and deposited into the Trust Fund have evolved, and certain revisions to the Spending Plan became necessary; and

WHEREAS, those revisions have recognized the negotiations that have taken place over the years between the Borough and various entities relating to the construction of new affordable housing units within the Borough; and

WHEREAS, the said revisions have been incorporated into a Revised Spending Plan, which was approved by the Hightstown Borough Council on July 16, 2012, and which was filed with COAH immediately thereafter; and

WHEREAS, the Revised Spending Plan incorporates an affordable housing project involving a three (3)-unit group home known as "The Hightstown Group Home" (the "group home"); and

WHEREAS, the group home is located at 114 Spring Crest Drive within the Borough, which is more commonly known and designated as Block 55, Lot 4 on the Borough's Tax Map (the "property"); and

WHEREAS, the group home was part of the Borough's prior round certification and the property was previously deed restricted for affordability; however, that deed restriction has expired; and

WHEREAS, in exchange for the continuation of the thirty (30) year deed restrictions and controls on affordability at the property, the Borough has already committed to provide the sum of Thirty Thousand Dollars (\$30,000) to The Hightstown Group Home in order to facilitate the continuation of the controls on these units; and

WHEREAS, the specific terms and conditions associated with this venture are set forth in an Agreement between the parties; and

WHEREAS, the Borough of Hightstown wishes to provide its authorization for the Mayor to execute and the Borough Clerk to attest the said Agreement, which shall memorialize the understanding previously reached between the parties (i.e., prior to the Borough's approval of the Revised Spending Plan referenced above) regarding the project; and

WHEREAS, the said Agreement shall be in a form satisfactory to the Borough Attorney; and

WHEREAS, the Hightstown Borough Council finds and declares that the execution of the said Agreement is in the best interests of the residents of the Borough.

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

1. That the Mayor is hereby authorized to execute and the Borough Clerk to attest the above-referenced Agreement, which shall memorialize the understanding previously reached between the parties (i.e., prior to the Borough's approval of the Revised Spending Plan referenced above) regarding the project, which shall involve the payment of \$30,000 from the Trust Fund to The Hightstown Group Home in order to facilitate the continuation of the affordability controls on these three (3) units.
2. That a certified copy of this Resolution shall be provided to each of the following:
 - a. COAH;
 - b. Michael Theokas, Borough Administrator;
 - c. Tamara Lee, Borough Planner;
 - d. Frederick C. Raffetto, Esq., Borough Attorney;
 - e. Gary Rosensweig, Esq., Planning Board Attorney; and
 - f. Carmela Roberts, P.E., Borough Engineer.

Resolution 2012-201

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

A RESOLUTION AUTHORIZING THE BOROUGH OF HIGHTSTOWN TO ENTER INTO AN AGREEMENT WITH “HABITAT FOR HUMANITY MILLSTONE BASIN AFFILIATE” FOR THE PROVISION OF AFFORDABLE HOUSING TRUST FUNDS IN ORDER TO ASSIST WITH THE CONSTRUCTION OF NEW AFFORDABLE HOUSING UNITS WITHIN THE BOROUGH.

WHEREAS, the Borough of Hightstown (the “Borough”) petitioned the Council on Affordable Housing (“COAH”) for substantive certification of its housing element and fair share plan in 2005; and

WHEREAS, the Borough has previously adopted Ordinance(s) authorizing the imposition and collection of development fees in connection with certain new residential and non-residential construction in the Borough, which funds were to be deposited into an Affordable Housing Trust Fund (also referenced as the “Trust Fund”); and

WHEREAS, the monies collected and deposited into the Trust Fund were intended to be utilized in order to facilitate the construction and/or rehabilitation of affordable units within the Borough; and

WHEREAS, COAH has previously approved the Borough’s Development Fees Ordinance(s); and

WHEREAS, to date, the Borough has collected in excess of \$400,000 in development fees; and

WHEREAS, as of December 31, 2011, the balance of funds on deposit in the Trust Fund was \$395,881.73; and

WHEREAS, the Borough has previously approved a Spending Plan concerning the Borough’s intentions with regard to the expenditure of the funds on deposit in the Trust Fund, in an effort to facilitate the construction and/or rehabilitation of affordable housing units within the Borough; and

WHEREAS, following the Borough Council’s approval of the proposed Spending Plan, the Borough forwarded the same to COAH on or about December 30, 2008 seeking COAH’s formal review and approval of the same; and

WHEREAS, notwithstanding the good faith filing of the Spending Plan with COAH at that time by the Borough, COAH has never formally taken any action with regard to the Borough’s Spending Plan; and

WHEREAS, during the years which have elapsed since the initial filing of the Borough’s Spending Plan with COAH, the Borough’s intentions with respect to the expenditure of the funds collected and deposited into the Trust Fund have evolved, and certain revisions to the Spending Plan became necessary; and

WHEREAS, those revisions have recognized the negotiations that have taken place over the years between the Borough and various entities relating to the construction of new affordable housing units within the Borough; and

WHEREAS, the said revisions have been incorporated into a Revised Spending Plan, which was approved by the Hightstown Borough Council on July 16, 2012, and which was filed with COAH immediately thereafter; and

WHEREAS, the Revised Spending Plan incorporates an affordable housing project to be constructed by Habitat for Humanity Millstone Basin Affiliate (“HFHMBA”); and

WHEREAS, HFHMBA is a non-profit charitable corporation formed for the purpose of enabling low and moderate income families to purchase affordable housing; and

WHEREAS, pursuant to negotiations which have taken place between the Borough and HFHMBA (collectively, the “parties”), HFHMBA intends to construct an affordable housing project (the “project”) along South Academy Street within the Borough, more specifically to be located at Block 40, Lots 22, 23 and 24 on the Borough’s Tax Map (the “property”); and

WHEREAS, the project involves the construction of four (4) affordable housing units in the form of two (2) single-family duplexes to be constructed by HFHMBA, with the Borough sponsoring two (2) of the said units; and

WHEREAS, the project received approvals from the Hightstown Borough Planning Board in 2011; and

WHEREAS, in exchange for the deed restrictions and controls on affordability to be established on the affordable units at the property, the Borough has already committed to provide the sum of Two Hundred Thousand Dollars (\$200,000) to HFHMBA to assist with the construction of this project; and

WHEREAS, the specific terms and conditions associated with this venture are set forth in an Agreement between the parties; and

WHEREAS, the Borough of Hightstown wishes to provide its authorization for the Mayor to execute and the Borough Clerk to attest the said Agreement, which shall memorialize the understanding previously reached between the parties (i.e., prior to the Borough's approval of the Revised Spending Plan referenced above) regarding the project; and

WHEREAS, the said Agreement shall be in a form satisfactory to the Borough Attorney; and

WHEREAS, the Hightstown Borough Council finds and declares that the execution of the said Agreement is in the best interests of the residents of the Borough.

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

3. That the Mayor is hereby authorized to execute and the Borough Clerk to attest the above-referenced Agreement, which shall memorialize the understanding previously reached between the parties (i.e., prior to the Borough's approval of the Revised Spending Plan referenced above) regarding the project, which shall involve the payment of \$200,000 from the Trust Fund to HFHMBA to assist with the construction of this project.
4. That a certified copy of this Resolution shall be provided to each of the following:
 - a. COAH;
 - b. Michael Theokas, Borough Administrator;
 - c. Tamara Lee, Borough Planner;
 - d. Frederick C. Raffetto, Esq., Borough Attorney;
 - e. Gary Rosensweig, Esq., Planning Board Attorney; and
 - f. Carmela Roberts, P.E., Borough Engineer.

Resolution 2012-202

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

A RESOLUTION AUTHORIZING THE BOROUGH OF HIGHTSTOWN TO ENTER INTO AN AGREEMENT WITH "HOLLY HOUSE, INC." FOR THE EXPENDITURE OF AFFORDABLE HOUSING TRUST FUNDS IN ORDER TO FACILITATE THE CONTINUATION OF AFFORDABLE HOUSING UNITS WITHIN THE BOROUGH.

WHEREAS, the Borough of Hightstown (the "Borough") petitioned the Council on Affordable Housing ("COAH") for substantive certification of its housing element and fair share plan in 2005; and

WHEREAS, the Borough has previously adopted Ordinance(s) authorizing the imposition and collection of development fees in connection with certain new residential and non-residential construction in the Borough, which funds were to be deposited into an Affordable Housing Trust Fund (also referenced as the "Trust Fund"); and

WHEREAS, the monies collected and deposited into the Trust Fund were intended to be utilized in order to facilitate the construction and/or rehabilitation of affordable units within the Borough; and

WHEREAS, COAH has previously approved the Borough's Development Fees Ordinance(s); and

WHEREAS, to date, the Borough has collected in excess of \$400,000 in development fees; and

WHEREAS, as of December 31, 2011, the balance of funds on deposit in the Trust Fund was \$395,881.73; and

WHEREAS, the Borough has previously approved a Spending Plan concerning the Borough's intentions with regard to the expenditure of the funds on deposit in the Trust Fund, in an effort to facilitate the construction and/or rehabilitation of affordable housing units within the Borough; and

WHEREAS, following the Borough Council's approval of the proposed Spending Plan, the Borough forwarded the same to COAH on or about December 30, 2008 seeking COAH's formal review and approval of the same; and

WHEREAS, notwithstanding the good faith filing of the Spending Plan with COAH at that time by the Borough, COAH has never formally taken any action with regard to the Borough's Spending Plan; and

WHEREAS, during the years which have elapsed since the initial filing of the Borough's Spending Plan with COAH, the Borough's intentions with respect to the expenditure of the funds collected and deposited into the Trust Fund have evolved, and certain revisions to the Spending Plan became necessary; and

WHEREAS, those revisions have recognized the negotiations that have taken place over the years between the Borough and various entities relating to the construction of new affordable housing units within the Borough; and

WHEREAS, the said revisions have been incorporated into a Revised Spending Plan, which was approved by the Hightstown Borough Council on July 16, 2012, and which was filed with COAH immediately thereafter; and

WHEREAS, the Revised Spending Plan incorporates an affordable housing project involving a ten (10)-unit group home known as the "Holly House" (the "group home"), which is under the ownership and/or management of Holly House, Inc.; and

WHEREAS, the group home is located at 117 Dey Street within the Borough, which is more commonly known and designated as Block 59, Lot 5.02 on the Borough's Tax Map (the "property"); and

WHEREAS, the group home was part of the Borough's prior round certification and the property was previously deed restricted for affordability; however, that deed restriction is due to expire on or about December 2, 2012; and

WHEREAS, in exchange for the continuation of the thirty (30) year deed restrictions and controls on affordability at the property, the Borough has already committed to provide the sum of One Hundred Thousand Dollars (\$100,000) to Holly House, Inc. in order to facilitate the continuation of the controls on these units; and

WHEREAS, the specific terms and conditions associated with this venture are set forth in an Agreement between the parties; and

WHEREAS, the Borough of Hightstown wishes to provide its authorization for the Mayor to execute and the Borough Clerk to attest the said Agreement, which shall memorialize the understanding previously reached between the parties (i.e., prior to the Borough's approval of the Revised Spending Plan referenced above) regarding the project; and

WHEREAS, the said Agreement shall be in a form satisfactory to the Borough Attorney; and

WHEREAS, the Hightstown Borough Council finds and declares that the execution of the said Agreement is in the best interests of the residents of the Borough.

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

5. That the Mayor is hereby authorized to execute and the Borough Clerk to attest the above-referenced Agreement, which shall involve the payment of \$100,000 from the Trust Fund to Holly House, Inc. in order to facilitate the continuation of the affordability controls on these ten (10) units.

6. That a certified copy of this Resolution shall be provided to each of the following:
- a. COAH;
 - b. Michael Theokas, Borough Administrator;
 - c. Tamara Lee, Borough Planner;
 - d. Frederick C. Raffetto, Esq., Borough Attorney;
 - e. Gary Rosensweig, Esq., Planning Board Attorney; and
 - f. Carmela Roberts, P.E., Borough Engineer.

Resolution 2012-203

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

**AUTHORIZING A STATE CONTRACT PURCHASE FOR THE HIGHTSTOWN BOROUGH
POLICE DEPARTMENT – CAD/RMS SYSTEM**

WHEREAS, there is a need for a Computer Aid Dispatch/Record Management System for use by the Hightstown Police Department; and

WHEREAS, the Police Director has secured authorization from the New Jersey Office of the Attorney General to utilize \$40,000.00 from the Drunk Driving Enforcement Fund, and from the Mercer County Prosecutor to utilize \$16,000.00 from the Municipal Law Enforcement Trust Account to pay for this project; and

WHEREAS, the Police Director has found pricing and availability for the necessary software through New Jersey State Contract; and

WHEREAS, the Purchasing Agent has reviewed the findings of the Police Director; and

WHEREAS, it is the recommendation of the Purchasing Agent and Police Director that the Computer Aid Dispatch/Record Management System be purchased under state contract #A77560/[M0003](#) from SHI, 290 Davidson Avenue, Somerset, New Jersey for an amount not to exceed \$53,494.04; and

WHEREAS, the Treasurer has certified that funds are available for this purchase.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Purchasing Agent is hereby authorized to purchase a Computer Aid Dispatch/Record Management System from SHI, 290 Davidson Avenue, Somerset, New Jersey under New Jersey State Contract #A77560/[M0003](#) for an amount not to exceed \$53,494.04.

Resolution 2012-204

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

**AUTHORIZING RECEIPT OF BIDS FOR THE GREENWAY WALKING BRIDGE OVER
PEDDIE LAKE**

BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Clerk/Purchasing Agent is hereby authorized to prepare specifications and advertise for bids for the Greenway Walking Bridge over Peddie Lake, and that the Borough is authorized to receive same after proper advertisement.

Resolution 2012-206

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

**AUTHORIZING A SHARED SERVICES AGREEMENT WITH MERCER COUNTY
REGARDING EMERGENCY TELECOMMUNICATIONS SERVICES**

WHEREAS, in 2008 Hightstown Borough entered into an interlocal agreement with Mercer County for assistance with the dispatch of fire apparatus and provision of operational communications for the fire service community in the Borough, and will be provided at no cost to the Borough; and

WHEREAS, the County of Mercer has offered to continue to assist the Borough of Hightstown as needed in providing emergency telecommunication services January 1, 2012 through December 31, 2017 and

WHEREAS, these services include assistance in the dispatch of fire apparatus and provision of operational communications for the fire service community in the Borough, and will be provided at no cost to the Borough; and

WHEREAS, the County has requested that the Borough enter into a shared services agreement for these services; and

WHEREAS, it is the desire of the Mayor and Borough Council to enter into this agreement.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the attached Shared Services Agreement with the County of Mercer for assistance in the dispatch of fire apparatus and provision of operational communications for the fire service community in the Borough of Hightstown, as needed, is hereby approved, and the Mayor and Borough Clerk are authorized to execute same.

Resolution 2012-208

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

AUTHORIZING THE ISSUANCE OF AUCTION LICENSES – EMPIRE ANTIQUES

WHEREAS, applications for licenses to hold auctions on Saturday, September 1, 2012 and Saturday, September 22, 2012 at 278 Monmouth Street in the Borough of Hightstown has been submitted by Empire Antiques, together with the required fees; and

WHEREAS, the applications has been reviewed and approved by the Police Director; and

WHEREAS, it is the desire of the Mayor and Council that licenses be issued to Empire Antiques for these events.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Borough Clerk is hereby authorized to issue licenses to Empire Antiques for their auctions to be held on Saturday, September 1, 2012 and Saturday, September 22, 2012 at 278 Monmouth Street.

Resolution 2012-199 Payment of Bills

Councilmember Woods requested that Item E0576 be pulled and voted separately.

Councilmember Thibault moved Resolution 2012-199 without Item E0576, Councilmember Bibens seconded.

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

Councilmember Bibens moved item E0576 on the bills list, Councilmember Bluth seconded.

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

Resolution adopted 5-0 with one abstention.

Resolution 2012-199

*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, the appropriate Department Head and the Treasurer

in the amount of	\$209,888.14	from the following accounts	
	Current		\$ 121,016.36
	W/S Operating		58,358.00
	General Capital		10,565.00
	Water/Sewer Capital		14,536.25
	Grant		785.00
	Trust		381.56
	Housing Trust		633.00
	Animal Control		
	Law Enforcement Trust		
	Housing Rehab Loans		
	Unemployment Trust		2,402.22
	Escrow		1,210.75
	Total		<u>\$209,888.14</u>

Resolution 2012-205 Authorizing and Directing the Hightstown Water Department to Resume Fluoridation of the Water Supply

Councilmember Thibault moved that Resolution 2012-205 be tabled pending receipt of the additional information requested, Councilmember Bluth seconded.

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

Resolution tabled 6-0.

Resolution 2012-207 Lifting the Moratorium on and Establishing the Issuance of Taxi Licenses for 2012 and 2013

Councilmember Doran moved Resolution 2012-207, Councilmember Bluth seconded.

There was discussion and the Borough Clerk and Police Director reviewed the resolution.

Roll Call Vote: Council members Bibens, Bluth, Doran, Quattrone, and Woods voted yes; Councilmember Thibault voted no.

Resolution adopted 5-1.

Resolution 2012-207

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

LIFTING THE MORATORIUM ON AND ESTABLISHING THE ISSUANCE OF TAXI LICENSES FOR 2012 AND 2013

WHEREAS, resolution 2012-121, which was adopted on April 16, 2012, authorized a continuation of the temporary extension of the existing valid 2011 taxicab owners' and taxicab drivers' licenses, as well as a continuation of the moratorium on the issuance of any new 2012 licenses until the adoption and facilitation of a revised taxi ordinance; and

WHEREAS, ordinance 2012-09 has been adopted by the Borough Council; and

WHEREAS, the Borough Clerk and Police Director find that lifting the moratorium and beginning the process of licensing taxicab owners and drivers in the Borough should begin immediately upon publication of the adoption of the ordinance; and

WHEREAS, the Borough Clerk and Police Director recommend that licenses issued at this time be effective through December 31, 2013; and

WHEREAS, they further recommend that the licensing fee for 2012 be pro-rated and the full licensing fee for 2013 be required with each application; and

WHEREAS, the Mayor and Council find that the recommendations made by the Borough Clerk and Police Director will provide for an efficient licensing procedure for taxicab owners and drivers, and the Borough.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Borough Clerk and Police Director are hereby authorized and directed to undertake the proper procedures to license the taxicab owners and drivers in the Borough in accordance with the recommendations herein noted and the ordinance as adopted.

Hurricane Irene Update

Mr. Theokas referenced an update memo previously distributed to Council and noted that discussion will take place at the special meeting on Wednesday.

Code enforcement Update

Mr. Theokas distributed a report to Council which he reviewed. Councilmember Thibault inquired as to what the inspections are focusing on, to which Mr. Theokas advised maintenance issues.

The Mayor opened the public comment period II and there being no comments, the public comment period was closed.

Mayor/Council/Administrative Comments and Committee Reports

Councilmember Thibault – noted that the Greenway Walking Bridge Committee has done a great job.

Councilmember Bluth – commented that National Night Out is tomorrow and there will be a lot of great activities.

Councilmember Doran – noted that the Environmental Commission has been busy and did a great job with the Environmental Resource Inventory and Stormwater ordinance.

Councilmember Woods – commented that this was a good meeting and she is excited about Wednesday's meeting.

Council President Quattrone – noted that the Fire Company procedures regarding purchase orders and mail has been squared away; thanked Councilmember Woods for her hard work on the taxi ordinance; commented that the monthly police report has been given to Council.

Councilmember Thibault moved to adjourn at 11:05 pm, Councilmember Doran seconded. All ayes.

Respectfully Submitted,

Debra L. Sopronyi, RMC
Borough Clerk