

**Meeting Minutes**  
**Hightstown Borough Council**  
**Regular Meeting**  
**January 17, 2012**  
**6:30 pm**

The meeting was called to order by Mayor Kirson at 6:32 pm and he read the Open Public Meetings Act statement which stated, "Adequate notice of this meeting has been given in accordance with the Open Public Meetings Act, pursuant to Public Law 1975, Chapter 231. Said notice was sent to the *Trenton Times* and the *Windsor-Hights Herald*, and is posted in the Borough Clerk's office."

The Mayor called for a Roll Call.

	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: Susan D. Jackson, Acting Deputy Borough Clerk; Michael Theokas, Borough Administrator and Frederick Raffetto, Borough Attorney.

**Resolution 2012-42 & 2012-43 Naming An Acting Deputy Clerk For Public Session & Naming An Acting Deputy Clerk For Executive Session**

Councilmember Woods moved resolutions 2012-42 & 2012-43, Councilmember Bluth seconded.

Mayor Kirson called for a roll call vote.

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

Resolutions adopted, 6-0

Resolution 2012-42

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

**NAMING AN ACTING DEPUTY CLERK FOR PUBLIC SESSION**

**WHEREAS**, The Borough Clerk is not available for the January 17, 2012 meeting of the Borough Council; and

**WHEREAS**, it is the desire of Borough Council to deputize Susan Jackson to perform the duties of the Borough Clerk for the public portion of this meeting; and

**WHEREAS**, Susan Jackson shall perform all the duties of the Borough Clerk for said meeting.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that Susan Jackson is hereby named as Acting Deputy Clerk for the public meeting of the Borough Council on January 17, 2012 and shall perform the duties of the Borough Clerk for said meeting.

Resolution 2012-43

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

## NAMING AN ACTING DEPUTY CLERK FOR EXECUTIVE SESSION

**WHEREAS**, The Borough Clerk is not available for the January 17, 2012 meeting of the Borough Council; and

**WHEREAS**, it is the desire of Borough Council to deputize Michael Theokas, Borough Administrator, to perform the duties of the Borough Clerk for the executive session portion of this meeting; and

**WHEREAS**, Michael Theokas, Borough Administrator shall perform all the duties of the Borough Clerk for said meeting.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that Michael Theokas, Borough Administrator, is hereby named as Acting Deputy Clerk for the executive session meeting of the Borough Council on January 17, 2012 and shall perform the duties of the Borough Clerk for said executive session meeting.

Councilmember Thibault asked to amend Resolution 2012-21 to read as follows: Litigation Update State of NJ vs. Thibault and Minute Maid. After a brief discussion Councilmember Bluth moved to amend Resolution 2012-21 to read as above. Councilmember Woods seconded.

Mayor Kirson asked for a vote to amend the Resolution. All ayes. Resolution amended; approved 5-0 with 1 abstention.

Councilmember Doran made a motion to move Resolution 2012-21 to go into Executive session. Councilmember Bibens seconded. Mayor Kirson read Resolution 2012-21. Mayor asked for as roll call vote.

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

Resolution 2012-21 adopted as amended, 6-0.

The public meeting was called to order by Mayor Kirson at 7:37 pm and he again read the Open Public Meetings Act statement.

The Flag Salute was followed by roll call which has remained the same. George Lang, CFO joined the meeting.

Mayor Kirson stated for the record that the agenda had been amended by adding Resolutions 2012-42 & 2012-43 appointing Acting Deputy Clerk for the Public Session and Acting Deputy Clerk for the Executive Session, which were moved and approved before the executive session.

Mayor Kirson asked that there be two votes on the approval of minutes; one for the set of minutes from 2011 and the second for the set of minutes for 2012. Council President Quattrone moved the minutes of September 6, 2011, Executive Session; September 19, 2011, Open and Executive Sessions; October 3, 2011, Open Session; and October 17, 2011, Open and Executive Sessions. Councilmember Woods seconded. The Mayor called for a roll call vote for the approval of the minutes.

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

Minutes approved with 3-0 vote with 3 abstentions.

Councilmember Bibens moved the minutes of the January 2, 2012 Reorganization meeting; January 3, 2012, Open and Executive sessions; January 5, 2012, Open and Executive Sessions, with the January 5, 2012 Executive minutes reflecting the amended correction to the spelling of the Police Director Candidate's name; Councilmember Woods seconded.

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

Minutes Approved, 6-0 vote.

### **Resolution 2012-22     Renewing a Contract for Sludge Removal, Transportation, Delivery and Disposal – Accurate Waste Removal Services**

Council President Quattrone made a motion to approve resolution 2012-22. Councilmember Woods seconded.

Mr. Thibault asked if anyone has checked the prices to see if the prices have gone down. Mayor said yes. There was no further discussion.

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

Resolution adopted, 6-0 vote.

Resolution 2012-22

*BOROUGH OF HIGHTSTOWN*

January 17, 2012

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

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

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

**WHEREAS**, pursuant to resolution 2011-140, the Borough Council awarded an additional six (6) month contract for the sludge removal, transportation, delivery and disposal to the low bidder, Accurate Waste Removal Services of Lake Hopatcong, New Jersey at a per unit price of \$0.113 per gallon with a total contract price of \$96,954.00; and

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

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

**WHEREAS**, funds will be made available in the 2012 budget for said expenditure;

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

**Resolution 2012-23 Authorizing Receipt of Bids for Polymer Chemicals**

Council President Quattrone made a motion to approve resolution 2012-23. Councilmember Woods seconded.

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

Resolution adopted, 6-0

Resolution 2012-23

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

**AUTHORIZING RECEIPT OF BIDS FOR POLYMER CHEMICALS**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the Borough Engineer is hereby authorized to prepare specifications and advertise for bids for Polymer Chemicals for the Waste Water Treatment Plant, and that the Borough is authorized to receive same after proper advertisement.

**Resolution 2012-24 Awarding a Contract for Trickling Filter Plastic Media – Brentwood Industries, Inc.**

Councilmember Bibens made a motion to approve resolution 2012-24. Council President Quattrone seconded.

Mayor Kirson gave details on the winning bid. Councilmember Thibault asked why there was only one bid. The response was that this is a specialty item and only one company bid on the project.

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

Resolution adopted, 6-0

Resolution 2012-24

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

**AWARDING A CONTRACT FOR TRICKLING FILTER PLASTIC MEDIA – BRENTWOOD INDUSTRIES, INC.**

**WHEREAS**, one (1) bid was received on January 12, 2012 for Trickling Filter Plastic Media for the Advanced Wastewater Treatment Plant (AWWTP) in Hightstown Borough; and

**WHEREAS**, the bid has been reviewed by the Borough Engineer and it is the Engineer's recommendation that a contract for the Trickling Filter Plastic Media be awarded to the low bidder, Brentwood Industries, Inc. of Reading, Pennsylvania at the price of \$116,870.00; and

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

**WHEREAS**, the execution of this contract is subject to the review and approval of the Borough Attorney to assure that the bid submitted by Brentwood Industries, Inc. is in order with respect to legal compliance; and,

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

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the contract for Trickling Filter Plastic Media for the Advanced Wastewater Treatment Plant (AWWTP) is hereby awarded to Brentwood Industries, Inc. of Reading, Pennsylvania in the amount of \$116,870.00, upon approval by the New Jersey Department of Environmental Protection.

**Resolution 2012-25 Authorizing Payment #1 to Earle Asphalt Company – Various Road Improvements.**

Council President Quattrone made a motion to approve resolution 2012-25. Councilmember Woods seconded.

Mayor Kirson explained that this is payment for the 1<sup>st</sup> phase of the project for Chamberlain Ave., Purdy St., Reed St., Mechanic St., and Rev. Wm. L. Powell Dr. The milling and paving will continue in the Spring.

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

Resolution adopted, 6-0

Resolution 2012-25

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

**AUTHORIZING PAYMENT # 1 – EARLE ASPHALT COMPANY (VARIOUS ROAD IMPROVEMENTS)**

**WHEREAS**, on October 17, 2011, the Borough Council awarded a contract for Various Road Improvements to Earle Asphalt Company of Farmingdale, New Jersey in the amount of \$331,313.13; and

**WHEREAS**, the contractor has submitted payment request #1 for work done in the total amount of \$12,796.85; and

**WHEREAS**, the Borough Engineer has recommended approval of payment #1 to Earle Asphalt Company in the amount of \$12,796.85; and

**WHEREAS**, the required certified payrolls have been submitted; 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 Earle Asphalt Company of Farmingdale, New Jersey in the amount of \$12,796.85 is hereby approved as detailed herein, and the Treasurer is authorized to issue same.

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

Phillis Deal, 305 Stockton Street – wants to know why some homes on Stockton St. were notified about the Historical January 17, 2012

Plague and not others. She would like the opportunity to purchase a plague for her home. She also questioned the Animal Control contract and inquired if it is the same individual as last year.

Rob Orendorf, 324 Franklin Street – read the letter from several of the Residents of Franklin St dated from 12/29/2011 in regards to the flooding from Hurricane Irene. The residents would like to be informed on any updates of the situation. The Mayor responded by giving an update, and advised that as updates become available he will would let the residents know. The Mayor and Administrator have been talking to the Freeholders and just recently spoke to Senator Linda Greenstein about the issue.

Martin Crabtree, 326 Franklin Street – He is also a resident who signed the letter and would like to know if it would be beneficial to write letters to the DOT. Mayor responded that it wouldn't hurt but they should also write letters to the Officials at the County.

Gene Sarafin, 628 S. Main Street – Welcomed Rob Thibault to Council and spoke about his 1<sup>st</sup> Amendment rights.

Tammy Kaufman, 3 Manlove Avenue – Wanted to let it be known that Mercer County hasn't made any attempt to clean up the culvert.

Fran Palumbo, 101 Main Street – presented copies of a statement to the Mayor, Council, Administrator and Attorney in regards to issues that affect Tavern business. The Mayor will address her issues at a later time after he has a chance to look over her statement.

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

**Resolution 2012-26 Authorizing the Payment of Bills**

Councilmember Bibens made a motion to approve Resolution 2012-26; Council President Quattrone seconded.

Discussion ensued about the total amount to be spent on Hurricane Irene Recovery. Mr. Theokas said that he could get the running total but that the process is on going and until everything has been finalized with FEMA and Insurance, it will be difficult to determine a final cost. The Mayor gave an update on the meetings with Insurance and FEMA.

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

Resolution adopted, 6-0

Resolution 2011-26

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

**AUTHORIZING PAYMENT OF BILLS**

**WHEREAS**, certain bills are due and payable as per itemized claims listed on the following schedules, which are made a part of the minutes of this meeting as a supplemental record;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the bills be paid on audit and approval of the Mayor, the appropriate Councilmember and the Treasurer

in the amount of \$ 380,034.99 from the following accounts

Current	\$	315,026.77
W/S Operating		45,462.67
General Capital		1,153.75

Water/Sewer Capital	16,913.75
Grant	142.00
Trust	-
Housing Trust	-
Animal Control	70.55
Law Enforcement Trust	-
Housing Rehab Loans	-
Unemployment Trust	-
Escrow	1,265.50
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Total	<u>\$ 380,034.99</u>

**Resolution 2012-27 Authorizing a Transfer of Funds in the 2011 Budget**

Councilmember Woods made a motion to approve Resolution 2012-27; Council President seconded.

There was a discussion regarding the reason for the transfer and where the money was appropriated from.

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

Resolution adopted, 6-0

Resolution 2012-27

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

**AUTHORIZING A TRANSFER OF FUNDS IN THE 2011 BUDGET**

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

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

<b>Current:</b>	<b><u>From</u></b>	<b><u>To</u></b>
<b>Purchase of Police Vehicle</b>		
Other Expense	\$ 17,500.00	
<b>Public Works/Sanitation/Landfill Tipping Fees</b>		
Other Expenses		\$ 17,500.00
<b>TOTALS</b>	<b>\$ 17,500.00</b>	<b>\$ 17,500.00</b>

**Resolutions 2012-28, 2012-29, 2012-30, 2012-32, 2012-33, 2012-34, 2012-35, 2012-36, 2012-37, 2012-38, 2012-39, 2012-40, 2012-41 Consent Agenda**

Council President Quattrone made a motion to approve the Consent Agenda; Councilmember Thibault would like to amend the consent agenda by pulling Resolution 2012-31 for discussion. Council President Quattrone amended his motion for the approval of the consent agenda excluding Resolution 2012-31; Councilmember Thibault seconded.

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

Resolution adopted, 6-0

Resolution 2012-28

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

**AUTHORIZING REFUND OF TAX OVERPAYMENT**

**WHEREAS**, an overpayment of taxes was made for the first quarter 2012 property taxes for Block 11, Lot 7 in the Borough of Hightstown; and

**WHEREAS**, the property owners, Raymond J. and Ruth Ann Paladino of 227 Monmouth Street, have requested that a refund be issued to them for the overpayment in the amount of \$621.30; and

**WHEREAS**, the Tax Collector has requested that the amount of said overpayment be refunded to the property owners.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the Tax Collector and Treasurer are hereby authorized to issue a refund in the amount of \$621.30 to Raymond J. and Ruth Ann Paladino of 227 Monmouth Street, representing their tax overpayment as set forth herein.

Resolution 2012-29

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

**AUTHORIZING REFUND OF TAX OVERPAYMENT**

**WHEREAS**, an overpayment of taxes was made for the first quarter 2012 property taxes for Block 7, Lot 47 in the Borough of Hightstown; and

**WHEREAS**, the property owner, Ely John Vinton of 5 Rocky Brook Court, has requested that a refund be issued to him for the overpayment in the amount of \$484.01; and

**WHEREAS**, the Tax Collector has requested that the amount of said overpayment be refunded to the property owners.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the Tax Collector and Treasurer are hereby authorized to issue a refund in the amount of \$484.01 to Ely John Vinton of 5 Rocky Brook Court, representing the tax overpayment as set forth herein.

Resolution 2012-30

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

**AUTHORIZING A SHARED SERVICES AGREEMENT WITH HAMILTON TOWNSHIP FOR  
CERTAIN HEALTH SERVICES (STD CLINIC)**

**WHEREAS**, the Borough of Hightstown is responsible by law for the protection of public health and wishes to provide certain clinic services relative to sexually transmitted diseases (STDs); and

**WHEREAS**, the Township of Hamilton is agreeable to providing clinic services relative to STDs to the Borough of Hightstown for the period January 1, 2012 through December 31, 2012 for a fee of \$25 per patient; and

**WHEREAS**, it is the desire of the Borough Council to enter into a shared services agreement with the Township of Hamilton for provision of these services; and

**WHEREAS**, such agreements are authorized pursuant to *N.J.S.A. 40A:65-1 et seq*;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown as follows:

1. A shared services agreement between the Borough of Hightstown and the Township of Hamilton for the provision of professional health clinic services for sexually transmitted diseases for the period January 1, 2012 through December 31, 2012 is hereby authorized and accepted.
2. The Mayor and Clerk are authorized and directed to execute said agreement.

Resolution 2012-32

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

**AUTHORIZING AN AGREEMENT FOR ANIMAL CONTROL SERVICES**

**WHEREAS**, there exists a need for animal control services within the Borough of Hightstown; and

**WHEREAS**, it is the desire of the Borough Council that an Agreement be entered into with Jan (John) E. Bilyk (d/b/a Whisper Acres), a licensed Animal Control Officer to provide such services for a one-year period; and

**WHEREAS**, all such calls shall be directed to the Police Department for dispatch of the Animal Control officer; and

**WHEREAS**, the agreement will be for an amount not to exceed \$500.00 for the one year period with unlimited calls; and,

**WHEREAS**, the Treasurer has certified the availability of funds for this expenditure.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the Mayor and Borough Clerk are hereby authorized and directed to execute a one-year agreement with the Jan (John) E. Bilyk (d/b/a Whisper Acres) for Animal Control Services.

Resolution 2012-33

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

**RESOLUTION AUTHORIZING ADVERTISEMENT FOR RECEIPT OF BIDS FOR  
THE LEASE OF SPACE ON AND ADJACENT TO THE BOROUGH WATER TOWER  
AT LESHIN LANE**

**WHEREAS**, *N.J.S.A. 40A:12-14* and *N.J.S.A. 40A:12-24* require public bidding when a municipality has determined to lease any real property or personal property not needed for public use; and

**WHEREAS**, certain space is available, and is not presently needed for public use, at the water tower site and the property adjacent thereto; and

**WHEREAS**, the Mayor and Council have determined that it is in the Borough's best interests to grant nonexclusive leases on the water tower (and the areas adjacent thereto) to one or more wireless communications companies, depending upon compatibility with the Borough's needs and with the technical requirements of the tenants; and

**WHEREAS**, the use of space on the water tower by one or more tenants will not be detrimental to the portions of the public property which will continue to be used for public purposes; and

**WHEREAS**, *N.J.S.A. 40A:12-14* requires advertisement and receipt of bids at public auction or by way of sealed bids; and

**WHEREAS**, the aforesaid statute allows the governing body to fix a minimum rental with the reservation of the right to reject all bids where the highest bid is not accepted.

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

1. In accordance with *N.J.S.A. 40A:12-14*, the Borough Clerk is hereby authorized and directed to publish an advertisement for the receipt of sealed bids for space on the Borough's water tower, located at Leshin Lane, subject to the terms and conditions set forth in this resolution. The advertisement shall be published once a week during the two consecutive weeks prior to the date of receipt of bids, but not earlier than seven (7) days prior to that date.

2. Since it is not known at this time how much space is available for lease, bidders may submit sealed bids for more than one lease, including antenna(s) and associated equipment, provided a completely separate sealed bid is submitted for each proposed lease, along with separate bid security and other documents required in the advertisement for bids.

3. The minimum rental for each lease of space for an antenna(s) and associated equipment as specified in this resolution will be Two Thousand Five Hundred (\$2,500.00) Dollars per month for an initial lease term of five (5) years with the option of renewals for four (4) successive periods of five (5) years each upon the same terms and conditions which were in effect before the end of the initial term, except as to the initial rate, which shall increase at the rate of three percent (3%) each year after the initial term.

4. The Borough reserves the right to reject all bids where the highest bid is not accepted and further reserves the right to award more than one lease, depending upon the needs of the Borough and the technical requirements of the high bidder or bidders.

5. Upon or before the date of the determination of the high bidder, the Borough Attorney shall prepare a detailed lease agreement which shall include all of the terms and conditions set forth in this resolution, as well as any other provisions deemed necessary by the Borough Attorney in order to protect the interests of the Borough, including but not limited to typical lease agreement provisions dealing with such subjects as use of and damage to the property, insurance coverage in favor of the Borough, access to the leased premises, required approvals, standard representations of the Borough and the lessee, maintenance and repair, default and right to cure, assignment and sublease, notices, applicability of Federal and State laws and regulations, determinations and responsibilities with respect to interference, and payment of utility costs.

6. All bidders submitting bids pursuant to the advertisement shall do so with full knowledge of the requirement of a fully-negotiated lease with respect to the provisions listed in paragraph 5 above, as well as the requirement to obtain site plan approval from the Borough Planning Board, and any other approvals deemed necessary by the Board, before the lease shall become effective and before construction of any improvements at the site may be commenced.

7. Insurance shall be provided for a minimum of \$1,000,000.00, with a minimum of a combined single limit of \$1,000,000.00 for bodily injury and/or property damage per occurrence, and excess/umbrella coverage of \$2,000,000.00. Coverage shall include: Commercial General Liability, Auto Liability and Property Damage. The Borough shall be named as an additional insured.

8. For each lease, the following shall constitute the leased premises:

- a. Installation of up to nine antennas on the water tower at a location or locations subject to prior approval of the Borough, through the Borough Superintendent of Public Works.
- b. Installation of coaxial cables along the water tower leg at a location or locations subject to prior approval of the Borough, through the Borough Superintendent of Public Works.
- c. Equipment cabinets on the ground at the base of the water tower, to occupy a total space no greater than 15' x 25', at a location or locations subject to prior approval of the Borough, through the Borough Superintendent of Public Works.

9. All bidders shall be required to submit with each bid a certified check, cashier's check or bid bond in the amount of ten

percent (10%) of the annual rental bid amount, not to exceed \$20,000.00, made payable to the Borough of Hightstown to serve as bid security. The successful bidder(s) shall deposit with the Borough one month's rent as a security deposit for the lease. The bid security of all unsuccessful bidders shall be returned immediately after the adoption of a resolution granting the lease(s).

10. Acceptance or rejection of bids shall be made by the Borough Council not later than its second regular meeting following the receipt of bids. If no action is taken by the Council, all bids shall be deemed to have been rejected.

11. The Borough Clerk/Purchasing Agent is hereby directed to consult with the Borough Attorney to determine and establish the most expedient schedule for advertisement and receipt of bids.

Resolution 2012-34

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

**AUTHORIZING RECEIPT OF BIDS FOR SELF CONTAINED VACUUM**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the Borough Clerk/Purchasing Agent is hereby authorized to prepare specifications and advertise for bids for a Self Contained Vacuum for the Public Works Department, and that the Borough is authorized to receive same after proper advertisement.

Resolution 2012-35

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

**AWARDING A CONTRACT FOR CURBSIDE RECYCLING COLLECTION**

**WHEREAS**, two (2) bids were received on December 29, 2011 for Curbside Recycling Collection Service; and,

**WHEREAS**, the bids have been reviewed by the Clerk/Purchasing Agent and Public Works Superintendent and it is their recommendation that the contract for Curbside Recycling Collection Service in Hightstown Borough be awarded to Waste Management of New Jersey, Inc. of Ewing, New Jersey at the price of \$28,668.00 for initial one year period; and,

**WHEREAS**, pursuant to N.J.S. A. 40A:11 – 15 (3) the bid was for a period of five (5) years, said contract being awarded for a period of one (1) year with the Borough reserving the right to renew at the end of each one-year contract period for a total aggregate contract period of five (5) years; and,

**WHEREAS**, the bid for the additional four years is as follows: year two, \$29,556.00; year three, \$30,480.00; year four, \$31,392.00; and year five, \$32,016.00; with the monthly cost per unit for added units to be at the rate of \$2.00 throughout the five year period.

**WHEREAS**, the execution of this contract is subject to the review and approval of the Borough Attorney to assure that the bid submitted by Waste Management of New Jersey, Inc. is in order with respect to legal compliance; and,

**WHEREAS**, the Treasurer has certified the availability of funds for this expenditure in the 2012 temporary budget; and

**WHEREAS**, funds for the remainder of this contract shall be made available in the 2012 and 2013 budgets respectively; and

**WHEREAS**, funds for the continuation of this contract for the four (4) subsequent years, should the Council decide to renew, shall be made available in the appropriate year's budget.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that a one-year contract for Curbside Recycling Collection Service in Hightstown Borough is hereby awarded to Waste Management of New Jersey, Inc. of Ewing, New Jersey in the amount of \$28,668.00.

Resolution 2012-36

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

**AUTHORIZING THE ISSUANCE OF AUCTION LICENSE – EMPIRE ANTIQUES**

**WHEREAS**, an application for a license to hold an auction on Saturday, February 4, 2012 (snow/rain date Saturday, February 11, 2012) at 278 Monmouth Street in the Borough of Hightstown has been submitted by Empire Antiques, together with the required fee; and

**WHEREAS**, the application has been reviewed and approved by the Acting Police Director; and

**WHEREAS**, it is the desire of the Mayor and Council that a license be issued to Empire Antiques for this event;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the Borough Clerk is hereby authorized to issue a license to Empire Antiques for their auction to be held on Saturday, February 4, 2012 (snow/rain date Saturday, February 11, 2012) at 278 Monmouth Street.

Resolution 2012-37

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

**APPOINTING A JIF SAFETY COORDINATOR**

**WHEREAS**, as a member it is required that Hightstown Borough appoint a Mid-Jersey Joint Insurance Fund Safety Coordinator; and

**WHEREAS**, Larry Blake, prior Public Works Superintendent, served in this capacity; and

**WHEREAS**, due to the retirement of Larry Blake it is required that the Borough appoint a replacement Safety Coordinator; and

**WHEREAS**, it is the desire of the Borough Council to appoint Ken Lewis, Public Works Superintendent as the Safety Coordinator for the Borough of Hightstown.

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that Ken Lewis, Public Works Superintendent is hereby appointed as Safety Coordinator.

Resolution 2012-38

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

**APPOINTING A RECYCLING COORDINATOR**

**WHEREAS**, it is required that Hightstown Borough appoint a Recycling Coordinator; and

**WHEREAS**, Larry Blake, prior Public Works Superintendent served in this capacity; and

**WHEREAS**, due to the retirement of Larry Blake it is required that the Borough appoint a replacement Recycling Coordinator; and

**WHEREAS**, it is the desire of the Borough Council to appoint Ken Lewis, Public Works Superintendent as the Recycling Coordinator for the Borough of Hightstown.

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that Ken Lewis,

Public Works Superintendent is hereby appointed as Recycling Coordinator.

Resolution 2012-39

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

**AUTHORIZING APPLICATION FOR A RECYCLING TONNAGE GRANT**

**WHEREAS**, the Mandatory Source Separation and Recycling Act, P.L. 1987, c. 102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

**WHEREAS**, it is the intent and spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and expand existing programs; and

**WHEREAS**, the New Jersey Department of Environmental Protection and Energy has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

**WHEREAS**, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including, but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

**WHEREAS**, a resolution authorizing this municipality to apply for the 2010 tonnage grant will memorialize the commitment of this municipality to recycling, and will indicate the assent of the Mayor and Council of the Borough of Hightstown to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown as follows:

1. The Borough of Hightstown hereby endorses the submission of a 2011 recycling tonnage grant application to the New Jersey Department of Environmental Protection.
2. Ken Lewis, Recycling Coordinator, 156 Bank Street, Hightstown, New Jersey 08520, is hereby designated and directed to ensure that the application is properly completed and timely filed;
3. Monies received from the recycling tonnage grant shall be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

Resolution 2012-40

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

**CHANGE IN CUSTODIAN OF PETTY CASH FUND – MUNICIPAL CLERK**

**WHEREAS**, Candace Gallagher was custodian of the Municipal Clerk Petty Cash Fund; and

**WHEREAS**, in accordance with N.J.S.A. 40:5-21, the Borough of Hightstown is changing the custodian to Debra L. Sopronyi, Borough Clerk; and

**WHEREAS**, Debra L. Sopronyi, Borough Clerk is bonded through the Central Jersey Joint Insurance Fund by virtue of a surety bond; and,

**NOW, THEREFORE, BE IT RESOLVED** that the Borough of Hightstown, County of Mercer, hereby authorizes such action and two copies of this resolution be filed with the Division of Local Government Services, New Jersey Department of Community Affairs for approval.

Resolution 2012-41

*BOROUGH OF HIGHTSTOWN*

**CHANGE IN CUSTODIAN OF PETTY CASH FUND – FINANCE**

**WHEREAS**, Arlene O'Rourke was custodian of the Municipal Clerk Petty Cash Fund; and

**WHEREAS**, in accordance with N.J.S.A. 40:5-21, the Borough of Hightstown is changing the custodian to Janice Mohr-Kminek, Treasurer; and

**WHEREAS**, Janice Mohr-Kminek, Treasurer is bonded through the Central Jersey Joint Insurance Fund by virtue of a surety bond; and,

**NOW, THEREFORE, BE IT RESOLVED** that the Borough of Hightstown, County of Mercer, hereby authorizes such action and two copies of this resolution be filed with the Division of Local Government Services, New Jersey Department of Community Affairs for approval.

**Resolution 2012-31 Authorizing the Execution of an Agreement for Professional Legal Services – Frederick C. Raffetto, Esq.**

Councilmember Woods made a motion to approve Resolution 2012-31. Councilmember Doran seconded.

Mayor Kirson and Council President Quattrone thanked Mr. Raffetto for the good work that he has done for the Borough. Councilmember Thibault felt that this Resolution was important and should not be included in the consent agenda and in no way is it a reflection of the work that has been done by Mr. Raffetto to pull it from the consent agenda.

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

Resolution adopted, 5-0 with 1 abstention

**Discussion:**

A draft of the new Taxi Ordinance has been presented for discussion. The Mayor explained the reason for the update to the ordinance is that there is new State legislation to limit the number of licenses for Taxi Companies per municipality. After the discussion, it was decided that there needs to be clarification on the fees. Mr. Raffetto will look at the State statute and present the applications for review at the next meeting. The sub-committee would like to streamline the process by having the licenses issued limits without the Council approval, provided the application meets all criteria. There are concerns with the required liability insurance being low. Mr. Raffetto said that the State requirement is low and the draft is written so that it is consistent with the statute. After discussion it was decided to put this on the next meeting agenda for further discussion.

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

George Serrano, 4 Westerlea Arms, Apt. 3 – talked about the taxi licenses and the issues he is aware of; he wants to be sure that the Council is extra careful with the ordinance and who is licensed to operate a taxi.

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

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

Councilmember Thibault – As the liaison for HPC he will address the issue that Ms. Deal brought up. He has concerns with the final dollar amount from Hurricane Irene; the money that has been paid out doesn't even address the cost of Borough Hall. He wants to see the current expenses and a financial forecast of any future expenses anticipated from the Hurricane. He invited the public to the Library on Saturday morning from 10:00 am – 12:00 pm to meet with Councilmember Bluth and himself for any who have any questions or concerns.

Councilmember Bluth – She is liaison to the Housing Authority, there is a meeting tomorrow and she plans to attend. She addressed Mr. Serrano's concerns about the taxis and will look into some of the concerns and requirements.

Councilmember Bibens – She is liaison to Fire Department and Construction/Housing/Fire Code Enforcement. She will be meeting with George Chin to get acquainted with the needs of the Department. She is doing her best to attend all meetings. She attended the Fire Department meeting and addressed as many issues as possible; they are doing a good job at getting the Fire House back in shape after the hurricane. She commended Mayor Kirson and Councilmember Woods for the good work on the Taxi Ordinance. Tomorrow night is the first meeting for the Harvest Fair Committee; she is the Co-chair again and the meeting is at 7:00 pm at the Apollo Lodge. She reminded the residents and business owners that the attendance of DOT has been postponed to the Feb. 6 meeting.

Councilmember Doran – She is liaison to the Planning Board. She attended the Re-organization meeting; there was a discussion on how to address the Mill Property. There will be a joint meeting with the Environmental Commission on January 24, 2012 to discuss the proposed Storm Water Ordinance.

Councilmember Woods –She is liaison to the Water/Sewer Departments. She will be presenting the report at the next Council meeting since she doesn't have them with her tonight. She is also on the Joint Committee for the Route 33 Corridor and they are meeting tomorrow night so she will have a report at the next meeting.

Council President Quattrone – He is liaison to the Police Department. He gave the report for December from the Police Department and he commended Councilmember Woods on the fine job that has been done so far on the Taxi Ordinance. He hopes that Councilmember Bibens isn't doing too much and burns out; but she is doing a great job in all that she is involved in with.

There is no Professional report.

Mayor Kirson – Attended the Parks & Recreation meeting. The money that has been raised over the last few years from the Triathlon and other functions will be used to work on the improvement in Association Park. One item to be noted from the Water/Sewer meeting is that they generated about half million dollars in 2010 for the processing of Grey water and sludge. In 2011 they generated \$590,000, a tremendous increase from the year before. Some of the items on the Bond Ordinance should be arriving soon and with the upgrades the hope is that there are more benefits at the Water Plant and more efficiency at the Wastewater Plant. The Historic plague is \$125.00 but he will confirm that with the HPC. We will continue to work to motivate the County and State with the issues on Franklin Street. Council will continue to work on the Taxi Ordinance and the issues of the Taxis.

Phyllis Deal forgot to mention that she thinks that the ice skating rink is great but would like to see a sign at the entrance of the park. She has seen signs throughout the Borough but didn't see one at the entrance.

Mayor Kirson asked for a motion to adjourn the meeting. Councilmember Bibens made a motion to adjourn at 9:20 pm, Councilmember Thibault seconded. All ayes.

Respectfully Submitted,

Susan D. Jackson  
Acting Deputy Borough Clerk