

**Meeting Minutes**  
**Hightstown Borough Council**  
**Regular Meeting**  
**March 19, 2012**  
**7:30 pm**

The meeting was called to order by Mayor Kirson at 7:03 pm and he read the Open Public Meetings Act statement which stated, "Adequate notice of this meeting has been given in accordance with the Open Public Meetings Act, pursuant to Public Law 1975, Chapter 231. Said notice was sent to the *Trenton Times* and the *Windsor-Hights Herald*, and is posted in the Borough Clerk's office."

The flag salute followed Roll Call.

	<b>PRESENT</b>	<b>ABSENT</b>
<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; and Frederick Raffetto, Borough Attorney.

**Resolution 2012-98 Authorizing a Meeting Which Excludes the Public**

Councilmember Bluth moved that resolution 2012-98 be amended to include Contract Negotiations – Labor Counsel, Council President Quattrone seconded.

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

Resolution Amended, 6-0

Councilmember Bibens moved resolution 2012-98 as amended, Councilmember Doran seconded.

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

Resolution adopted as amended, 6-0

Resolution 2012-98  
*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 March 19, 2012 at approximately 7:00 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:

Litigation – Lasky/Pavlak  
Contract Negotiations – Labor Counsel

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: June 19, 2012 or when the need for confidentiality no longer exists.  
March 19, 2012

The public is excluded from said meeting, and further notice is dispensed with, all in accordance with sections 8 and 4a of the Open Public Meetings Act.

The public meeting was called to order by Mayor Kirson at 7:34 pm and he again read the Open Public Meetings Act statement.

The Flag Salute was followed by roll call which has remained the same. George Lang, CFO and James LeTellier, Police Director joined the meeting at this time.

Councilmember Doran requested that resolution 2012-106 and 2012-85 be added to the agenda following resolution 2012-103 to be acted on after the taxi license ordinance discussion. Mr. Theokas suggested that since the Borough Engineer was not present we move the Engineer items on the agenda to after discussion. Councilmember Thibault requested that the water fluoridation notice be added to discussion items and that the consent agenda be removed and each resolution be voted on separately.

Council President Quattrone moved the agenda for approval with the amendments as noted, Councilmember Thibault seconded.

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

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

Agenda approved as amended, 6-0

Council President Quattrone moved the minutes of February 21, 2012 Open Session, March 7, 2012 Budget Session and March 12, 2012 Budget Session for approval; Councilmember Woods seconded. The Mayor called for a roll call vote for the approval of the minutes.

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

Minutes approved, 6-0.

### **Hurricane Irene**

Mr. Theokas informed Council that there have been productive meetings with the insurance and FEMA in the recent past. He noted that \$1.3M in claims has been filed and that \$475,000.00 (dollar for dollar) has been received from the insurance; the balance of claims has been filed with FEMA at 75% reimbursement. At this point it appears the Borough's exposure will be approximately \$175,000.00; not including Borough Hall, which is still being evaluated. The issue with Borough Hall is that code updates will be necessary for the move back into the building due to the grandfathered status on the building; bringing the building up to code will be very costly, especially in the Police Department. It is his hope to have additional details to give the Council at the April 2<sup>nd</sup> meeting.

Councilmember Woods distributed copies of proposals she received from the Borough Administrator in October of 2011, as the Liaison of Borough-owned property; the proposals were estimates received for the mitigation of Borough Hall. Mr. Theokas reminded Council that at the time these items were received, the priority was to get the AWWTP and Water Plant up and running as the Borough Hall staff had been relocated to the Public Works facility and were conducting day to day business. There was discussion regarding Council responsibilities, flood maps insurance coverage, and potential costs to be absorbed by the Borough. The Mayor gave an overview of the process taken to-date and stated that a copy of the PW's submitted to FEMA will be made available to Councilmember Woods for review. Mr. Theokas noted that the proposals given out by Councilmember Woods are incomplete. Councilmember Woods is to review the documentation and report to Council.

There was further discussion regarding the Use and Occupancy Agreement for the Police Department and possible re-location funding from FEMA.

Councilmember Woods motioned that a special workshop meeting regarding Hurricane Irene recovery efforts be held, Councilmember Thibault seconded. Council discussed the date and time for the meeting and it was determined that the meeting would be held on Wednesday, April 3, 2012 at 7:00 pm with the place to be determined by the Borough Clerk once she can confirm location availability. All ayes; the Borough Clerk is to notice the meeting appropriately.

### **Fluoridation Notice**

Mayor Kirson reviewed the notice that was recently mailed to all residents and noticed in the local paper. He noted that NJDEP regulations were followed in September 2010 and that no violation of the regulations has been made with the cessation of fluoride in the water. The Water Department employees will be discussing the possibility of fluoridation of the water supply with Council once the Water Plant has the capacity to add it back into the system.

There was discussion regarding why the public was not informed of the cessation that occurred in September of 2010, until recently. There was discussion and Councilmember Bluth motioned for an ad-hoc investigation into the matter, Councilmember Thibault seconded. All Ayes; Council members Thibault and Bluth will investigate the matter and report back to Council.

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

The Mayor opened the Public Hearing on Ordinance 2012-02 and the following individuals spoke:

Eugene Sarafin, 628 S. Main Street – commented that the insurance limits should be addressed and suggested that the Borough carry liability insurance for the taxis.

J P Gibbons, 602 S. Main Street – commented regarding several errors he found in the ordinance and suggested Council turn the ordinance over to someone who has experience with taxi licensing for revision.

Scott Caster, 12 Clover Lane – commented that insurance limit requirements should be higher and that the Driver’s currently licensed do not speak English as required.

David Bell, 115 First Avenue – commented that the Borough should inspect the vehicles for compliance with the ordinance and the use and availability of child restraint seats.

Eugene Sarafin, 628 S. Main Street – commented that the Borough should purchase excess liability insurance for taxis.

Melanie Alio, 158 Grant Avenue – opposed the ordinance noting that the Police should concentrate on all drivers and their negligence in yielding to pedestrians and talking on cell phones; the ordinance is restricting the number of cabs and is just another layer of administrative burden on the taxi cabs.

Councilmember Woods – noted that the limit on the number of cabs is being implemented for compliance with newly enacted legislation.

J P Gibbons, 602 S. Main Street – commented that taxi drivers should read and write English pursuant to Federal law and they should also maintain logs. He offered to review the ordinance and present the revisions to Council at the next meeting.

Milton Matamors, 135 Purdy Street – agreed that taxis should be closely monitored as they drive too fast, have tinted windows and their radios are played very loudly; fares should be posted and vehicles clearly marked.

Pat Duncan, 158 Grant Avenue – commented that he does not understand the English speaking requirement as most users of the cabs in Hightstown are Spanish speaking.

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

There was Council discussion regarding the public comments heard and the Police Director gave an accounting of enforcement violations written the previous weekend. After further discussion, it was decided that the ordinance would be tabled and Mr. Gibbons, along with Councilmember Woods, would review the ordinance and present the revised ordinance to the Council at the April 2<sup>nd</sup> meeting.

Councilmember Thibault moved that ordinance 2012-02 be tabled, Councilmember Woods seconded.

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

Ordinance tabled, 6-0

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

Michael Galint, 115 Reed Street – reminded Council that he had attempted to install pavers along the borders of his property to improve the appearance and prevent water seeping into his basement; he was prevented from completing the project because of the paving project currently being done on Reed Street. He noted that the curbing that was put in for this paving project does not encompass his property because it does not include curbing on Purdy Street; he feels the project should include curbs to the end of Purdy in front of his property.

Milton Matamors, 135 Purdy Street – agreed with Mr. Galint as he resides on Purdy and gets water in his basement as well.

Patty Acree, 16 Powell Court – requested that Councilmember Bluth recuse herself from discussion on the topic she is bringing forward. She noted that she owns a condo in Wyckoff Mills that she cannot live in due to termite infestation and mold issues; she is concerned with public health and is asking for the Borough’s assistance with the condo association for the property.

Robin Floom, 15 Dennis Court – commented that all buildings are maintained and issues taken care of immediately in Wyckoff Mills; the issue brought up by Ms. Acree is a litigation matter.

Patty Acree, 16 Powell Court – noted that her issues have existed for over a year and have not been addressed by the association.

Eugene Sarafin, 628 S. Main Street – noted that Council is transparent; Borough Hall should be sold and the offices moved to the Lucas property as it has good access.

J P Gibbons, 602 S. Main Street – commented that a time limit on the time the public can speak is not a good policy; he is impressed by Council’s openness and assumption of responsibility; he is bothered by the lack of use of a professional for the claims filed with FEMA.

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

**Resolution 2012-101 Authorizing the Payment of Bills**

Council President Quattrone moved Resolution 2012-101 without items E0416 and E0417; Councilmember Thibault seconded.

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

Council President Quattrone moved items E0416 and E0417; Councilmember Doran 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 2012-101

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

**AUTHORIZING PAYMENT OF BILLS**

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

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the bills be paid on audit and approval of the Borough Administrator, appropriate Department Head and the Treasurer in the amount of \$ 1,901,215.01 from the following accounts

Current	\$ 1,767,506.70
W/S Operating	77,638.85
General Capital	44,252.07
Water/Sewer Capital	6,245.00
Grant	
Trust	4,969.59
Housing Trust	-
Animal Control	602.80
Law Enforcement Trust	
Housing Rehab Loans	-
Unemployment Trust	-
Escrow	
Total	<u>\$ 1,901,215.01</u>

**Resolution 2012-102 Authorizing Emergency Temporary Appropriations Prior to Adoption of the 2012 Budget**

Council President Quattrone moved Resolution 2012-102; Councilmember Woods seconded.

George Lang, CFO, gave an explanation of the resolution.

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

Resolution adopted, 6-0.

Resolution 2012-102

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

**AUTHORIZING EMERGENCY TEMPORARY APPROPRIATIONS  
PRIOR TO ADOPTION OF THE 2012 BUDGET**

**WHEREAS**, an emergent condition has arisen with respect to inadequate appropriation balances remaining in some line items of the 2012 temporary budget; and

**WHEREAS**, N.J.S.A. 40A:4-20 provides for the creation of emergency appropriations for the purposes above mentioned; and

**WHEREAS**, it is the desire of the Mayor and Council to create emergency temporary appropriations as set forth on Schedule "A," attached; and

**WHEREAS**, the total emergency temporary appropriations in resolutions adopted in the year 2012 pursuant to the provisions of N.J.S.A. 40A:4-20 (Chapter 96, P.L. 1951, as amended), including this resolution, total:

	<i>THIS RESOLUTION</i>	<i>PREVIOUS TOTAL</i>	<i>CUMULATIVE TOTAL</i>
Current	681,696.00	132,000.00	<b>813,696.00</b>
Capital Outlay – Current	0.00	0.00	<b>0.00</b>
Debt Service - Current	0.00	0.00	<b>0.00</b>
Water/Sewer	266,833.00	125,000.00	<b>391,833.00</b>
Capital Outlay – W/S	0.00	0.00	<b>0.00</b>
Debt Service - W/S	0.00	0.00	<b>0.00</b>
<b>TOTAL</b>	<b>948,529.00</b>	<b>257,000.00</b>	<b>1,205,529.00</b>

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Hightstown (not less than two-thirds of all the members of thereof affirmatively concurring) that, in accordance with N.J.S.A. 40A:4-20:

1. An emergency temporary appropriation is hereby made for each item listed on the schedules that are attached hereto and made a part hereof.
2. Each emergency appropriation listed will be provided for in the 2012 budget under the same title as written herein;
3. One certified copy of this resolution will be filed with the Director of Local Government Services, and a copy provided to the Treasurer.

**Resolution 2012-103 Authorizing a Transfer in the 2011 Budget**

Council President Quattrone moved resolution 2012-103; Councilmember Bibens seconded.

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

Resolution adopted, 5-0 with one abstention.

Resolution 2012-103

*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:4-59 provides that the governing body may authorize a transfer of funds in the budget during the first three months of the succeeding fiscal year;

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

		<b>FROM:</b>	<b>TO:</b>
Police Vehicle Purchase	Other Expenses	\$17,500.00	
Solid Waste	Salaries and Wages	\$15,000.00	
Legal	Other Expenses		\$20,000.00
Gasoline	Other Expenses		\$2,500.00
Community Services Act	Other Expenses		\$10,000.00
<b>TOTAL</b>		<b>\$32,500.00</b>	<b>\$32,500.00</b>

**Resolution 2012-106 Authorizing an Agreement for Professional Labor Counsel Services – Eric Bernsten & Associates, LLC**

Councilmember Woods moved resolution 2012-106; Councilmember Doran seconded.

Council President Quattrone reviewed the process taken by the sub-committee to review the proposals received and interview the Attorneys. Councilmember Bibens thanked the sub-committee for a job well done.

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

Resolution adopted, 6-0

Resolution 2012-106  
*BOROUGH OF HIGHTSTOWN  
 COUNTY OF MERCER  
 STATE OF NEW JERSEY*

**AUTHORIZING AN AGREEMENT FOR PROFESSIONAL LABOR COUNSEL SERVICES – ERIC M. BERNSTEIN & ASSOCIATES, LLC**

**WHEREAS**, there exists the need for professional legal services for 2012 pertaining to labor relations matters; and

**WHEREAS**, the Borough Council wishes to appoint Eric M. Bernstein & Associates, LLC of 34 Mountain Boulevard, Bldg A, P. O. Box 4922, Warren, New Jersey as Labor Counsel; and

**WHEREAS**, the cost for the proposed services, with the exclusion of escrow and other funds as posted from outside sources, shall not exceed \$25,000.00 without further approval by the Borough Council; and,

**WHEREAS**, funds for this purpose will be made available in the 2012 budget; and,

**WHEREAS**, the Local Public Contracts Law authorizes the awarding of a contract for “professional services” without public advertising for bids and bidding, provided that the Resolution authorizing the contract and the contract itself are available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality; and

**WHEREAS**, it has been determined that the value of this contract may exceed \$17,500, and therefore the contract is also subject to the provisions of the State’s Local Unit Pay-to-Play Law, N.J.S.A. 19:44A-20.4, *et seq.*; and

**WHEREAS**, the anticipated term of this contract is for one (1) year, and it may only be renewed upon further action of the Borough Council; and

**WHEREAS**, this contract is intended to be awarded as a “non-fair and open contract” pursuant to and in accordance with the Local Unit Pay-to-Play Law;

**WHEREAS**, Eric Bernstein and Associates, LLC has completed and submitted a Business Entity Disclosure Certification pursuant to the Local Unit Pay-to-Play law (specifically, at N.J.S.A. 19:44A-20.8), and has further submitted a certification that the firm is in compliance with the Borough's own Pay-to-Play ordinance (Section 2-59 of the *Revised General Ordinances of the Borough of Hightstown*);

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

1. That the Mayor is authorized to execute and the Borough Clerk to attest an Agreement between the Borough of Hightstown and Eric Bernstein and Associates, LLC regarding the above-referenced professional legal services, as set forth herein.
2. That this contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because Eric Bernstein and Associates, LLC is a firm whose attorneys are authorized by law to practice a recognized profession.
3. That this contract is being awarded in accordance with the Local Unit Pay-to-Play Law and Section 2-59 of the *Revised General Ordinances of the Borough of Hightstown*, and the Business Disclosure Entity Certification, and other certifications required pursuant to same shall be placed on file with the contract.

**BE IT FURTHER RESOLVED**, that a certified copy of this Resolution shall be forwarded to Eric Bernstein, Esq., Labor Counsel; George Lang, Chief Financial Officer; and the Contract File.

**Resolution 2012-104 Authorizing the Issuance of an Auction License – Empire Antiques**

Councilmember Woods moved resolution 2012-104; Councilmember Thibault seconded.

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

Resolution adopted, 6-0

Resolution 2012-104

*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, March 31, 2012 (snow/rain date Saturday, April 7, 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 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, March 31, 2012 (snow/rain date Saturday, April 7, 2012) at 278 Monmouth Street.

**Resolution 2012-105 Proclaiming Hightstown Volunteer Appreciation Week and Recognizing, Honoring and Thanking Hightstown's Volunteers**

Councilmember Bluth moved resolution 2012-105; Councilmember Thibault seconded.

Councilmember Thibault reviewed the resolution and invited all volunteers of the Borough to attend the meeting of April 16<sup>th</sup> to be recognized for their dedication and improving the quality of life in the Borough.

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

Resolution adopted, 6-0

Resolution 2012-105

*BOROUGH OF HIGHTSTOWN*

*COUNTY OF MERCER  
STATE OF NEW JERSEY*

**PROCLAIMING HIGHTSTOWN VOLUNTEER APPRECIATION WEEK AND  
RECOGNIZING, HONORING AND THANKING HIGHTSTOWN'S VOLUNTEERS**

**WHEREAS**, the week of April 15 to 21, 2012 has been proclaimed National Volunteer Week to recognize and celebrate the efforts of volunteers at the local, state, and national levels; and

**WHEREAS**, the Borough of Hightstown and its residents have benefited greatly from hundreds of volunteers who each year give tirelessly and selflessly to the service of others; and

**WHEREAS**, volunteerism strengthens communities, improves society, and enhances the overall quality of life for all citizens; and

**WHEREAS**, volunteering changes the lives of volunteers in a positive way, increasing self-confidence, self-esteem and physical wellbeing; offering the chance to meet new friends and associates; and providing opportunities to learn new skills and abilities; and

**WHEREAS**, the Hightstown Borough Council wishes to acknowledge and thank its volunteers for their dedication and untiring efforts.

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Hightstown proclaims the week of April 15 to 21, 2012 as Hightstown Volunteer Appreciation Week and expresses its sincere appreciation and gratitude for the dedication and untiring efforts of all those who volunteer to help make our community a better place to live and work.

**Resolution 2012-99 Authorizing Payment #2 – Earle Asphalt Company (Various Road Improvements)**

Councilmember Bluth moved resolution 2012-99; Council President Quattrone seconded.

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

Resolutions adopted, 6-0

Resolution 2012-99

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

**AUTHORIZING PAYMENT # 2 – 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 #2 for work done in the total amount of \$41,462.07; and

**WHEREAS**, the amount of this payment for general construction is \$23,400.37 and for water/sewer related items is \$18,061.70; and

**WHEREAS**, the Borough Engineer has recommended approval of payment #2 to Earle Asphalt Company in the amount of \$41,462.07; 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. 2 from Earle Asphalt Company of Farmingdale, New Jersey in the amount of \$41,462.07 is hereby approved as detailed herein, and the Treasurer is authorized to issue same.

**Resolution 2012-100 Rejecting All Bids for Water Treatment Filter**

Council President Quattrone moved resolution 2012-100; Councilmember Doran seconded.

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

Resolutions adopted, 6-0

Resolution 2012-100

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

**REJECTING ALL BIDS FOR WATER TREATMENT FILTER**

**WHEREAS**, pursuant to resolution 2012-75, the Borough Engineer re-bid the Water Treatment Filter project for the Hightstown Borough Water Treatment Plant; and

**WHEREAS**, four (4) bids were received on March 13, 2012 for the re-bid of the Water Treatment Filter for the Water Treatment Plant in Hightstown Borough; and

**WHEREAS**, all bids received exceed the engineer’s estimate and the appropriation for this project and are found to be unreasonable; and

**WHEREAS**, the bids have been reviewed by the Borough Engineer and it is the Engineer’s recommendation that all bids received for this project be rejected in accordance with N.J.S.A. 40A:11-13(2); and

**WHEREAS**, the Borough Engineer, in accordance with N.J.S.A. 40A:11-5(3), recommends that the Borough negotiate a price with the vendors who submitted bids on March 13, 2012; and

**WHEREAS**, the Borough Attorney and Qualified Purchasing Agent concur with the Borough Engineer’s recommendation; and

**WHEREAS**, this project is funded by the New Jersey Environmental Infrastructure Trust, the rejection of these bids and the project negotiations for this contract is conditional upon approval by the New Jersey Department of Environmental Protection.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that all bids received on March 13, 2012 for the Water Treatment Filter for the Water Treatment Plant in Hightstown Borough are hereby rejected and the Borough Engineer is hereby authorized to negotiate said project with the vendors who submitted bids on March 13, 2012 upon approval by the New Jersey Department of Environmental Protection.

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

Patty Acree, 16 Powell Court – noted that the Health Department’s hands are tied regarding her condo matter and the Council should take authority in the matter.

Eugene Sarafin, 628 S. Main Street – commented that fluoridation does prevent cavities, but it is a treatment and users of the water should not be paying for treatments; he also commented regarding state tax cuts and politics.

J P Gibbons, 602 S. Main Street – commented that the present Mayor was not the Mayor in 2010 and is not responsible for the fluoridation notice issue.

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

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

Councilmember Bluth – thanked the Borough Clerk for keeping the minutes current.

Councilmember Bibens – commented that tonight was a good meeting; she is looking forward to the hurricane recovery meeting; thanked Councilmember Woods for the work she has put into the taxi ordinance; she likes the idea of making the first public comment period being restricted to agenda items; thanked Councilmember Thibault for the volunteer recognition resolution.

Councilmember Woods – commented that tonight’s meeting was a good one and productive.

Council President Quattrone – commented that he is concerned that the taxi ordinance contains too much detail and that volunteers are the backbone of the Borough.

Mayor Kirson – noted that it was an interesting meeting and thanked Council.

Councilmember Woods moved to adjourn at 10:25 pm, Councilmember Bibens seconded. All ayes.

Respectfully Submitted,

Debra L. Sopronyi, RMC  
Borough Clerk