

Meeting Minutes
Hightstown Borough Council
Regular Meeting
January 22, 2013

6:00 pm

The meeting was called to order by Mayor Kirson at 6:04 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; and Frederick Raffetto, Borough Attorney.

Resolution 2013-25 Authorizing a Meeting Which Excludes the Public

Councilmember Bibens moved resolution 2013-25, Councilmember Woods seconded.

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

Resolution adopted, 5-0

Resolution 2013-25

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 January 22, 2013 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:

Personnel – Sgt. Mark Niro

Litigation Updates – Brady, Castoro and Minute Maid

Contract Negotiations – Professional Services (Project Manager)

Shared Services

Lease of Greystone Property

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: April 22, 2013 or when the need for confidentiality no longer exists. The public is excluded from said meeting, and further notice is dispensed with, all in accordance with sections 8 and 4a of the Open Public Meetings Act.

The public meeting was called to order by Mayor Kirson at 7:35 pm and he again read the Open Public Meetings Act statement.

The Flag Salute followed Roll Call. Council President Quattrone had joined the meeting during executive session and was now present. Carmela Roberts, Borough Engineer joined the meeting at this time.

Councilmember Doran requested that the executive session minutes of November 14, 2012 be removed from the agenda.

Councilmember Bibens moved the agenda as amended for approval, Councilmember Woods seconded.

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

Agenda approved as amended.

Resolution 2013-26 Accepting Membership of Matthew J. Bukowski in Hightstown Engine Co. No. 1

Mayor Kirson noted that the Hightstown Fire Company responded to 477 calls in 2012 and provides a tremendous service. He then administered the Oath of Office to Mr. Bukowski.

Scott Jenkins, Deputy Fire Chief, was also present and Mayor Kirson congratulated and recognized Mr. Jenkins as the Firefighter of the Year for 2012. Deputy Chief Jenkins then advised the Mayor, Council and Public that Mr. Bukowski is a certified Firefighter and they were pleased to have him join the engine company.

Council President Quattrone moved resolution 2013-26, Councilmember Bibens seconded.

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

Resolution adopted, 6-0

Resolution 2013-26

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

**ACCEPTING MEMBERSHIP OF MATTHEW J. BUKOWSKI
IN HIGHTSTOWN ENGINE CO. NO. 1**

WHEREAS, Matthew J. Bukowski of East Windsor, New Jersey has applied for membership in Hightstown Engine Company No. 1; and

WHEREAS Mr. Bukowski has undergone and passed the required physical examination, and his membership application has been reviewed and approved by Fire Chief Lawrence Van Kirk;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the membership of Matthew J. Bukowski in Hightstown Engine Company No. 1 is hereby accepted.

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be forwarded to Hightstown Engine Co. #1.

Mayor Kirson advised that the presentation on the Greenway Walking Bridge is being deferred to a future meeting.

Councilmember Bibens moved the October 17, 2012 special workshop session minutes for approval, Council President Quattrone seconded.

January 22, 2013

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

Minutes approved.

Council President Quattrone moved the October 22, 2012 special session minutes for approval, Councilmember Doran seconded.

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

Minutes approved.

Council President Quattrone moved the October 22, 2012 special executive session minutes for approval, Councilmember Doran seconded.

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

Minutes approved.

Council President Quattrone moved the November 5, 2012 open session minutes for approval, Councilmember Doran seconded.

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

Minutes approved.

Councilmember Doran corrected the start time of the executive session meeting of November 5, 2012 to read 6:00pm.

Council President Quattrone moved the November 5, 2012 executive session minutes for approval as amended, Councilmember Bibens seconded.

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

Minutes approved.

Councilmember Doran moved the November 14, 2012 open session minutes for approval, Councilmember Woods seconded.

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

Minutes approved.

Resolution 2013-27 Authorizing Payment #5 Final – Earle Asphalt (Various Road Improvements)

Councilmember Thibault moved resolution 2013-27, Councilmember Woods seconded.

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 PAYMENT NO. 5 AND FINAL – 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 No. 5 Final for work done in the total amount of \$6,626.26; and

WHEREAS, the amount of this payment is for general construction; and

WHEREAS, the Borough Engineer has recommended approval of final payment; and

WHEREAS, the completed project has been inspected and approved by the New Jersey Department of Transportation; 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 FURTHER RESOLVED by the Mayor and Council of the Borough of Hightstown that Payment Request No. 5 Final from Earle Asphalt Company of Farmingdale, New Jersey in the amount of \$6,626.26 is hereby approved as detailed herein, and the Treasurer is authorized to issue same.

Resolution 2013-28 Authorizing Payment #5 to Liberty Construction & Development, Inc. (Water Treatment Filter)

Council President Quattrone moved resolution 2013-28, Councilmember Bibens seconded.

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

Resolution adopted 6-0.

Resolution 2013-28

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

**AUTHORIZING PAYMENT NO. 5 TO LIBERTY CONSTRUCTION & DEVELOPMENT, INC.
(WATER TREATMENT PLANT FILTER)**

WHEREAS, resolution 2012-114 adopted on April 16, 2012 awarded the contract for the Water Treatment Filter to Liberty Construction & Development, Inc. of Belle Mead, New Jersey in the amount of \$497,000.00; and

WHEREAS, the contractor has submitted payment request No. 5 for work performed in the total amount of \$205,984.24; and

WHEREAS, the payment is for work related to building demolition, floor installation and filter tank delivery and installation; and

WHEREAS, the Borough Engineer has recommended approval of payment No. 5 to Liberty Construction & Development, Inc in the amount of \$205,984.24; 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. 5 from Liberty Construction & Development, Inc. of Belle Mead, New Jersey in the amount of \$205,984.24 is hereby approved as detailed herein, and the Treasurer is authorized to issue same.

Resolution 2013-29 Authorizing Payment #8 Final to S. Batata Construction, Inc. (Stockton Street Historic District Streetscape Infrastructure Project)

Councilmember Bibens moved resolution 2013-29, Councilmember Doran seconded.

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

Resolution adopted 6-0.

Resolution 2013-29

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

AUTHORIZING PAYMENT # 8 FINAL – S. BATATA CONSTRUCTION, INC. (STOCKTON STREET HISTORIC DISTRICT STREETScape INFRASTRUCTURE PROJECT)

WHEREAS, on June 21, 2010, the Borough Council awarded a contract for the Stockton Street Historic District Streetscape Infrastructure Project to S. Batata Construction, Inc. of South River, New Jersey in the amount of \$791,506.00; and,

WHEREAS, the contractor has submitted Payment Request #8 Final for work done in the total amount of \$18,357.27; and,

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

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that payment request No. 8 Final from S. Batata Construction, Inc. of South River, New Jersey in the amount of \$18,357.27, as detailed herein, is hereby approved, and the Treasurer is authorized to issue same.

Resolution 2013-30 Authorizing an Agreement for Specialized Project Manager Services Associated with Temporary Facilities and Borough Hall Resulting from Damages as a Result of Hurricane Irene – Roberts Engineering Group

The Borough Engineer gave an overview of the services being provided under the agreement and each phase of the project. Councilmember Doran requested that the verbiage, as discussed in executive session, be added to the agreement; the Borough Attorney reviewed that verbiage that requires the Project Manager to provide a status report on the project at each Council meeting will be added to the agreement prior to execution.

Councilmember Bluth expressed concern that this resolution is premature; Council is not prepared to execute this agreement, we have not received bids for the trailers nor do we have a lease for a location to put them. She noted that Council should know what its plans are before executing this agreement. Councilmember Thibault commented that Council should be proceeding on parallel tracks and that a Project Manager is needed no matter what the final decisions made by Council.

There was discussion regarding the Project Manager responsibilities. The Borough Engineer explained that the Project Manager will implement and oversee contracts executed by Council over the course of the project; it is the overseeing of the entire project.

Councilmember Thibault requested that the verbiage in the resolution be changed to read restoration, renovation or construction of a Borough Hall facility to match previous resolutions adopted by Council in this matter. After discussion, the remainder of Council agreed to the change.

Councilmember Doran moved resolution 2013-30, Council President Quattrone seconded.

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

Resolution adopted 6-0.

Resolution 2013-30

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

AUTHORIZING AN AGREEMENT FOR SPECIALIZED PROJECT MANAGEMENT SERVICES ASSOCIATED WITH TEMPORARY FACILITIES AND A BOROUGH HALL RESULTING FROM DAMAGES AS A RESULT OF HURRICANE IRENE – ROBERTS

ENGINEERING GROUP

WHEREAS, there exists the need for specialized project management services for temporary facilities and restoration, renovation or construction of a Borough Hall resulting from damages as a result of Hurricane Irene; and

WHEREAS, the Borough Council wishes to appoint Dawson Bloom of Roberts Engineering Group of Hamilton, New Jersey as Project Manager; and

WHEREAS, the cost for the proposed services shall not exceed \$277, 500.00 without further approval by the Borough Council; and,

WHEREAS, approval is subject to adoption of a bond ordinance to fund the project; and,

WHEREAS, the Borough Attorney will review and approve the contract for execution by the Borough; and

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

WHEREAS, 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, 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, Roberts Engineering Group 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 Roberts Engineering Group regarding the above-referenced professional project management 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 Roberts Engineering Group is a firm whose engineers 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.

Resolution 2013-31 – Authorizing an Agreement for Professional Engineering Services – Roberts Engineering Group

There was discussion regarding status reports and the Borough Attorney confirmed that the verbiage, as added to the Project Manger agreement, will be added to this agreement prior to execution.

Councilmember Bluth again expressed concern that this resolution is premature.

Councilmember Thibault moved resolution 2013-31, Councilmember Doran seconded.

Roll Call Vote: Council members, Doran, Thibault, and Woods voted yes; Bibens, Bluth and Quattrone voted no. Mayor Kirson broke the tie with a yes vote.

Resolution 2013-31

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

AUTHORIZING AN AGREEMENT FOR SURVEYING, ENGINEERING AND PERMITTING SERVICES ASSOCIATED WITH THE RECONSTRUCTION OF A BOROUGH HALL AS A RESULT OF DAMAGES FROM HURRICANE IRENE – ROBERTS ENGINEERING GROUP

WHEREAS, there exists the need for professional surveying, engineering and permitting services associated with the reconstruction of a Borough Hall as a result of damages from Hurricane Irene; and

WHEREAS, the Borough Council wishes to appoint Carmela Roberts of Roberts Engineering Group of Hamilton, New Jersey as the Project Engineer; and

WHEREAS, the cost for the proposed services shall not exceed \$94,000.00 without further approval by the Borough Council; and,

WHEREAS, approval is subject to adoption of a bond ordinance to fund the project; and,

WHEREAS, the Borough Attorney will review and approve the contract for execution by the Borough; and

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

WHEREAS, 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, 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, Roberts Engineering Group 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 Roberts Engineering Group regarding the above-referenced professional engineering 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 Roberts Engineering Group is a firm whose engineers 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.

Borough Hall/Temporary Administrative Offices

Mr. Theokas advised that a meeting was held regarding communications and in attendance were Mr. Theokas (Administrator), Dawson Bloom (Project Manager), Debra Sopronyi (Borough Clerk/QPA), Ken Lewis (DPW Superintendent), Lt. Frank Gendron, Police Director LeTellier, and Hunter Technologies. A plan has been put into effect and it will also eliminate the issue the Borough and Police are having with the phones.

Mr. Theokas also advised that the pre-bid meeting for the trailers was held and the bid opening is scheduled for January 30th. Mr. Bloom noted that 8 to 10 vendors attended the meeting and participated in discussion and viewed the site; they had good questions regarding the police facility and there appears to be interest.

Improvements to Grape Run Road and Pershing Avenue

Mayor Kirson reviewed that this discussion is in regards to a \$220,000 grant for improvements to Grape Run Road and Pershing Avenue, which will not cover the entire project.

The Borough Engineer reviewed the options of the project and projected cost and advised that she has applied for discretionary aid for the remainder of the project cost but has not yet received a response from the state. There was discussion regarding changing the scope of the project, the need for a bond ordinance, curbing and sidewalks on Pershing Avenue, and water issues on Grape Run. The Borough Engineering recommended bonding the entire project while awaiting a response regarding discretionary aid; the object is to complete the project while school is not in session to eliminate issues with bus routes. There was additional discussion regarding the responsibility of the Borough to maintain the roads, and it was decided that a bond ordinance would be introduced to cover the cost of the entire project.

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

Fran Palumbo, 101 Main Street – expressed confusion over Council awarding the Project Manager and Engineering contracts to one firm; noted that the Borough should be prepared for future flooding and that the Borough Hall needs to get up and running; commented on taxi cabs and downtown being desolate.

Eugene Sarafin, 628 S. Main Street – commented on the draft code of conduct resolution and the right to free speech; recommended that the Borough rent the Lucas property with the option to buy; noted that the Project Manager is a representative of the Borough, not the Borough Engineer; commented that the code of conduct resolution is a violation of his civil rights.

Rick Pratt, 214 Stockton Street – noted that he is a licensed architect who serves on the Planning Board and the Council presented a plan for temporary trailers to the Planning Board but have advertised the bid without waiting for Planning Board opinion; inquired as to what the purpose was of sending it to the Planning Board? There are requirements to meet code for fire walls in the trailers and an addendum should be issued. Council is wasting public money, there are discrepancies in the bid specifications. He commented that there are also environmental issues and that Council should be listening to its commissions boards and professionals.

David Bach, East Windsor – noted that he is an NRA member and he has concerns regarding the facts surrounding the recent shootings; all shooters were registered democrats and requested that an ordinance be adopted to ban democrats from owning guns.

Bill Gilmore, 219 Greeley Street – expressed concern regarding the trailers and thinks moving to the Lucas property is a good idea; noted he has spoken to several area Town Managers regarding redevelopment and they do not understand why Council is wasting redevelopment opportunities.

J P Gibbons, 602 N. Main Street – commented that Eugene Sarafin's outbursts warrant a code of conduct resolution; expressed concern with having a Project Manager negotiate with the insurance, a professional should be hired to do the negotiations; commented that the Borough Hall location is not a redevelopment opportunity; If the Planning Board really cared to make their opinion known, they should come to Council to form a committee to work together.

Rick Pratt, 214 Stockton Street – noted that the Planning Board tried to work with Council and it did not work.

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

Ordinance 2013-01 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”

Council President Quattrone moved ordinance 2013-01 for introduction, Councilmember Bibens seconded.

Mr. Theokas explained the need for this ordinance.

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

Ordinance introduced, 6-0, Public Hearing to be held February 4, 2013.

Ordinance 2013-01

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

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.”

WHEREAS, the Mayor and Council wish to amend certain provisions contained within Chapter 2, Section 2-55 of the Borough Code relating to enforcement and penalties 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 Chapter 2, Section 2-55 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 2-55

FEES FOR MUNICIPAL SERVICES

Subsections:

- 2-55.1 Inspection of Public Records.**
- 2-55.2 Fees for Copies.**
- 2-55.3 Copying by Person Requesting Documents.**
- 2-55.4 Denial of Examination of Records.**
- 2-55.5 Firearms Applications and Permits.**
- 2-55.6 Returned Check Charge.**
- 2-55.7 Fees for Notary Services.**
- 2-55.8 Fees for Tax Redemption Calculation**

Subsection 2-55.1 Inspection of Public Records.

In accordance with the provisions of N.J.S.A. 47:1A-2, all records which are required by law to be made, maintained or kept on file by any board, body, agency, department, commission, authority or official of the Borough shall be deemed to be public records. Every citizen of the State shall have the right to inspect such records during regular business hours maintained by the custodian thereof. Every citizen of the State shall also have the right, during regular business hours and under the supervision of the representative of the custodian, to copy such records by hand and to purchase copies of the records. Copies of records shall be made available upon the payment of the price established by law. (Ord. No. 19-1994)

Subsection 2-55.2 Fees for Copies.

The following fees shall be charged for copies of public documents:

- a. For copies of public documents on letter-size or legal-size paper, fees shall be charged in accordance with those listed in N.J.S.A. 47:1A-5(b).
- b. For oversized copies of public documents, the actual cost incurred in making the copy shall be charged. If the document must be copied by another source, e.g. a printer, for duplication, the actual cost paid by the Borough shall be paid by the requestor.
- c. There shall be no charge for electronic transmission of documents via fax or e-mail.
- d. For certified copies of birth certificates, marriage certificates, death certificates, domestic partnership certificates, or depositions, twenty (\$20.00) dollars per certified copy.
- e. Municipal Court discovery and police accident reports
 1. All requests for discovery in matters pending in the Hightstown Municipal Court shall be submitted through the Municipal Prosecutor.
 2. The following fees shall be payable by the requestor to the Borough of Hightstown for the discovery or accident report provided:
 - i. For documents on letter-size or legal-size paper, fees shall be charged in accordance with those listed in N.J.S.A. 47:1A-5(b)
 - ii. Actual postage for any discovery or accident report sent by mail
 - iii. \$.25 for the envelope for any discovery or accident report sent by mail
 - iv. Photographs will be photocopied at the rates established herein. If requests are made for duplicate photographs, the actual cost of making the photographs shall be charged.
 - v. Duplication of video tapes constitutes an extraordinary duplication process and will be charged at the rate of \$5.00 per video tape.
 - vi. For any item that cannot be photocopied on the Borough's copy machine or for any item not otherwise provided for in this schedule, the actual cost incurred in making the copy shall be charged.
 - vii. Where the discovery must be obtained from an entity other than the Borough of Hightstown, e.g. another police department, the actual costs paid to the other entity shall be paid by the requestor.
 - viii. There shall be no charge to persons over the age of 65 for discoveries or police accident reports.

- f. For duplicate tax, water and sewer bills, five (\$5.00) dollars each.
- g. For a certificate as to approval of subdivisions, as follows:
 - 1. When the property described in the application is shown on the Assessment Map subdivided into Borough lots and does not exceed five thousand (5,000) square feet in area, three (\$3.00) dollars, and for each additional five thousand (5,000) square feet in area or fraction thereof, an additional fifty (\$0.50) cents.
 - 2. When the property is shown on the Assessment Map as acreage or is so assessed and lies wholly within the limits of a single block, three (\$3.00) dollars, and if within the limits of two (2) or more blocks, an additional one (\$1.00) dollar for each block.
 - 3. When the property described in the application is or has been subdivided and assessed as more than one (1) item, an additional fee of one (\$1.00) dollar shall be allowed for each subdivision separately assessed.
 - 4. Five (\$5.00) dollars shall be the maximum charge for a certificate covering lands lying wholly within one (1) block as shown on the Assessment Map of the Borough, unless there is a subdivision of proprietorship indicated by the assessment.
- h. For a certificate as to approval of subdivision within three (3) years from the date of the original search, one (\$1.00) dollar per year.
- i. For official searches for municipal liens (tax searches) or for improvements authorized but not assessed, ten (\$10.00) dollars.
- j. For a continuation of an official search for municipal liens or for a continuation of an official search for improvements authorized but not assessed, two (\$2.00) dollars per year.
- k. For a duplicate tax sale certificate, one hundred (\$100.00) dollars.
- l. For a full copy of the Revised General Ordinances of the Borough of Hightstown, one hundred (\$100.00) dollars.
- m. For a full copy of the Borough's Master Plan, one hundred and ninety-five (\$195.00) dollars.
- n. For a copy of an audio or video tape, the actual cost of the media and duplication thereof.

(Ord. No. 19-1994; Ord. No. 1998-12 § 1(A)–(E); Ord. No. 2003-32; Ord. No. 2004-03; Ord. No. 2004-13; Ord. No. 2005-09; Ord. No. 2008-09; Ord. No. 2010-17)

Subsection 2-55.3 Copying by Person Requesting Documents.

Where the document in question is more than one hundred (100) pages in length, the Clerk may permit the person requesting copies to use his own copying machine, provided that there is no risk of damage or mutilation of the document and it would not be compatible with the transaction of public business. Such determination shall be completely within the discretion of the Clerk. The fee in such case shall be fifteen (\$15.00) dollars per day. (Ord. No. 19-1994)

Subsection 2-55.4 Denial of Examination of Records.

Notwithstanding the provisions of subsection 2-33.1, where it appears that the records which are sought to be examined pertain to an investigation in progress by any body, agency, commission, board, authority or official, the right of examination may be denied if the inspection, copying or publication of the records would be inimical to the public interest, provided that this provision shall not be construed to prohibit any body, agency, commission board, authority or official from opening such records to public examination if not otherwise prohibited by law. (Ord. No. 19-1994)

Subsection 2-55.5 Firearms Applications and Permits.

The following fees will be charged as determined by the State of New Jersey:

Federal and State Applicant Card

Mental Health

Firearms purchaser identification card

Permit to purchase a pistol or revolver

SBI Names Check

(Ord. No. 2012-11)

Subsection 2-55.6 Returned Check Charge.

A fee will be charged for any check returned to the Borough for insufficient funds at the maximum allowable rate in accordance with N.J.S.A. 40:5-18. (Ord. No. 1998-12 § 1(F); Ord. No. 2008-09; Ord. No. 2012-11)

Subsection 2-55.7 Fees for Notary Services.

A fee of two dollars and fifty cents (\$2.50) will be charged per signature notarized for each of the following services:

- a. Administering an oath/affirmation
- b. Executing a jurat
- c. Taking proof of a deed (proof of execution)
- d. Taking an acknowledgement

(Ord. No. 2012-11)

2-55.8 Fees for Tax Lien Redemption Calculation

The Tax Collector shall provide any party entitled to redeem a certificate pursuant to N. J. S. A. 54:5-54 two calculations of the amount required for redemption within a calendar year at no cost. There shall be a fee charged in the maximum allowable amount pursuant to N. J. S. A. 54:5-54 for each subsequent calculation requested of the Tax Collector. All requests for a redemption calculation shall be made in writing to the Tax Collector.

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 2013-02 First Reading and Introduction – An Ordinance to Establish Salary Ranges for Certain Officers and Employees of the Borough of Hightstown

Council President Quattrone moved ordinance 2013-02 for introduction, Councilmember Thibault seconded.

Mr. Theokas explained the need for this ordinance and there was discussion regarding longevity.

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

Ordinance introduced, 6-0, Public Hearing to be held February 4, 2013.

Ordinance 2013-02

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

**AN ORDINANCE TO ESTABLISH SALARY RANGES FOR CERTAIN OFFICERS AND EMPLOYEES
OF THE BOROUGH OF HIGHTSTOWN**

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

Section 1. The following official employment designations are hereby confirmed and the rate of compensation of each officer and employee of the Borough of Hightstown, excluding longevity, whose compensation shall be on an annual basis, is:

	RANGING FROM:	TO:
Mayor	\$4,800.00	\$4,800.00
Councilmember	\$3,600.00	\$3,600.00
Borough Clerk	\$40,000.00	\$70,000.00
Treasurer	\$40,000.00	\$60,000.00
Tax/Water/Sewer Collector	\$20,000.00	55,000 \$30,000.00
Deputy Tax/Water/Sewer Collector	\$8,000.00	\$18,400.00
Tax/Utility/Payroll Clerk	\$28,000.00	\$35,000.00
Tax Assessor	\$7,500.00	18,000 \$14,375.00
Registrar of Vital Statistics	\$2,500.00	\$5,000.00
Deputy Registrar of Vital Statistics	\$1,000.00	\$4,600.00
Municipal Court Administrator	\$40,000.00	\$65,000.00
Deputy Municipal Court Administrator	\$28,000.00	37,000 \$35,000.00
Administrative Assistant/Secretary	\$22,000.00	47,000 \$44,000.00
Planning Board Secretary	\$1,000.00	\$16,000.00
Technical Assistant	\$28,000.00	\$40,000.00
Construction Code Official	\$18,000.00	\$35,000.00
Fire Subcode Official	\$3,500.00	8,000 \$6,000.00
Building Subcode Official	\$3,500.00	8,000 \$6,000.00
Superintendent of Public Works	\$50,000.00	90,000 \$85,000.00

	RANGING FROM:	TO:
Assistant Superintendent of Public Works	\$50,000.00	\$66,000.00
Water Plant Operator	\$35,000.00	\$70,000.00
Superintendent of AWWTP	\$50,000.00	84,000 \$80,000.00
Lab Manager – AWWTP	\$35,000.00	65,000 \$60,000.00
Secretary Board of Health	\$500.00	\$1,500.00
Computer Systems Administrator	\$3,000.00	\$6,000.00
Chief Financial Officer	\$2,000.00	\$50,000.00
Building Inspector	\$3,500.00	\$4,500.00
Health Officer	\$8,000.00	\$13,000.00
Borough Administrator	\$40,000.00	\$75,000.00
Police Director	\$50,000.00	\$85,000.00

Section 2. The following official employment designations are hereby confirmed and the rate of compensation of each officer and employee of the Borough of Hightstown, whose compensation shall be on an hourly basis, is:

	RANGING FROM:	TO:
Part-time clerical	\$8.00	\$30.00
Violations Clerk (part-time)	\$10.00	\$15.00
Disposition Clerk (part-time)	\$12.50	\$25.00
Special Officer – Municipal Court	\$25.00	\$35.00
Public Health Nurse	\$25.00	\$45.00
School Crossing Guard	\$15.00	\$25.00
Radio Dispatcher	\$8.00	\$25.00
Special Officer I	\$8.00	\$18.00
Special Officer II	\$18.00	\$30.00
Administrative Assistant/Secretary	\$10.50	\$20.00
Administrative Assistant – Floater	\$13.50	\$21.00
Public Works Foreman	\$16.00	\$27.00
Public Works Heavy Equipment Operator	\$14.00	\$25.00
Public Works Automated Vehicle Operator	\$14.00	\$25.00

	RANGING FROM:	TO:
Public Works Driver/Laborer	\$10.00	25.00 \$20.00
Public Works Laborer	\$8.00	\$18.00
Public Works Municipal Building Maintenance	\$8.00	\$16.00
Public Works Mechanic	\$10.00	\$25.00
Seasonal/Temporary Labor	\$8.00	\$16.00
Assistant Water Plant Operator	\$14.00	\$23.00
Water Plant Lead Operator	\$40.00	\$49.00
AWWTP Maintenance	\$15.00	\$25.00
AWWTP Operator Trainee (up to 1 year exp)	\$12.00	\$15.50
AWWTP Operator – Class I (min. 1 year exp)	\$14.50	\$17.00
AWWTP Operator – Class II (min. 2 years exp)	\$15.25	\$18.50
AWWTP Operator – Class III (min. 3 years exp)	\$16.50	\$21.00
AWWTP Operator – Class IV (min. 4 years exp)	\$17.25	\$25.00
Recreation Director (part-time)	\$20.00	\$40.00
Assistant Recreation Director (part-time)	\$8.00	\$20.00
Junior Recreation Counselor (part-time)	\$6.00	\$12.00
Housing Inspector	\$14.00	\$35.00
Fire Inspector	\$14.00	\$35.00
Building Inspector	\$14.00	\$35.00
Fire Official	\$14.00	\$35.00
Zoning Officer	\$14.00	\$30.00
Electric Subcode Official	\$14.00	\$40.00
Plumbing Subcode Official	\$14.00	\$40.00

Section 3. Supplemental Longevity Pay for regular full-time employees except police shall be as follows:

After five (5) years of service	\$650.00
After ten (10) years of service	\$1,000.00
After fifteen (15) years of service	\$1,350.00
After twenty (20) years of service	\$1,700.00
After twenty-five (25) years of service	\$2,100.00

Section 4. This Ordinance shall take effect after final passage and publication as provided by law, but the ranges of compensation herein provided shall be retroactive to January 1, 2013.

Section 5. The salary ranges established in this ordinance supersede any established for the same positions in previous salary ordinances, and will remain in effect until changed by the adoption of a new or amending Salary Ordinance.

Ordinance 2013-03 First Reading and Introduction – An Ordinance to Establish Police Salaries for the Years 2010, 2011, 2012, 2013 and 2014

Councilmember Thibault moved ordinance 2013-03 for introduction, Councilmember Bluth seconded.

There was discussion as to whether the grievance settlement salaries should be included in this ordinance and the Borough Attorney advised that he believes it should be; however he thinks Labor Counsel should make that determination.

Council members Thibault and Bluth rescinded their motions to move this ordinance for introduction pending Labor Counsel review and determination.

Ordinance tabled.

Resolution 2013-32 Payment of Bills

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

Council President Quattrone moved Resolution 2013-32 without item E0576, Councilmember Woods seconded.

There was discussion and clarification of several payments on the bills list.

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

Council President Quattrone moved item E0576, 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 2013-32
*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 \$252,795.80 from the following accounts:

Current		\$139,516.52
W/S Operating		79,229.98
General Capital		9,601.00
Water/Sewer Capital		5,181.25
Grant		1,168.21
Trust		2,865.39
Housing Trust		0.00
Animal Control		75.50
Law Enforcement Trust		0.00
Housing Rehab Loans		10,110.00
Unemployment Trust		0.00
Escrow		<u>5,047.95</u>
Total		<u>\$252,795.80</u>

Resolution 2013-33 Authorizing Reimbursement for Sewer Cleaning – Brian Tokar

Council President Quattrone moved Resolution 2013-33, Councilmember Bibens seconded.

Mr. Theokas explained this reimbursement.

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

Resolutions adopted 6-0.

Resolution 2013-33

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

AUTHORIZING REFUND OF SEWER CLEANING FEE

WHEREAS, the resident of 565 South Main Street had several incidents of sewer back-up in his basement and hired a company to resolve the issue; and

WHEREAS, the problem was not one of resident responsibility, but a Borough responsibility and the Borough has performed the necessary repairs; and

WHEREAS, the property owner, Brian Tokar, has requested that a refund be issued to him for the payment to his plumber in the amount of \$267.50; and

WHEREAS, the Water/Sewer Department has requested that the amount of said payment be refunded to the property owner; 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 the Treasurer is hereby authorized to issue a refund in the amount of \$267.50 to Brian Tokar of 565 South Main Street, representing the repair payment as set forth herein.

Resolution 2013-34 Authorizing a Shared Services Agreement for Health Services – Hamilton Township

Councilmember Woods moved Resolution 2013-34, Councilmember Thibault seconded.

Councilmember Thibault commented on the County Health Report.

January 22, 2013

- 17 -

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

Resolutions adopted 6-0.

Resolution 2013-34

*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, 2013 through December 31, 2013 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*; and

WHEREAS, funds for this purpose shall be provided for in the 2013 budget.

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, 2013 through December 31, 2013 is hereby authorized and accepted.
2. The Mayor and Clerk are authorized and directed to execute said agreement.

Resolution 2013-35 Authorizing an Employment Agreement with Anne Blake, Tax and Water/Sewer Collector

Councilmember Bibens moved Resolution 2013-35, Councilmember Doran seconded.

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

Resolutions adopted 6-0.

Resolution 2013-35

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

**AUTHORIZING EMPLOYMENT AGREEMENT WITH ANNE BLAKE, TAX AND
WATER/SEWER COLLECTOR**

WHEREAS, the Mayor and Council of the Borough of Hightstown, County of Mercer, have appointed Anne Blake to serve as Borough Tax Collector, effective January 1, 2013, for the remainder of the unexpired term ending December 31, 2013; and

WHEREAS, Ms. Blake has also agreed to serve as Water and Sewer Collector; and

WHEREAS, it is the desire of the Mayor and Council to establish the terms and conditions of Ms. Blake's employment
January 22, 2013

relative to these titles as set forth in an agreement.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Mayor is hereby authorized to execute, and the Borough Clerk to attest, an employment agreement with Anne Blake as Tax Collector, and Water/Sewer Collector.

Resolution 2013-36 Authorizing an Auction License – Empire Antiques

Council President Quattrone moved Resolution 2013-36, Councilmember Bibens seconded.

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

Resolutions adopted 6-0.

Resolution 2013-36

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

AUTHORIZING THE ISSUANCE OF AN AUCTION LICENSE – EMPIRE ANTIQUES

WHEREAS, an application for a license to hold an auction on Saturday, March 2, 2013 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 2, 2013 at 278 Monmouth Street.

Re-Assessment Status Update

Mayor Kirson reviewed the process taken for the County and State to grant permission for the Assessor to perform a reassessment rather than contract for a professional to perform the reassessment at a much higher cost. Mr. Theokas advised that the new assessment book is available at the Borough offices.

Mayor Kirson explained that taxes will be redistributed and those who have filed appeals in the last couple of years will probably see an increase; a reassessment puts everyone on the same playing field. Due to appeals last year, the Borough had to reallocate \$65,000.00 to other residents.

Code of Conduct Resolution

Councilmember Woods noted that she requested this resolution to eliminate some of the issues that have taken place at Council meetings in the recent past. There was discussion regarding public comment periods and the Borough Attorney confirmed that this resolution memorializes powers that are already in place.

There was further discussion regarding a time limit on public comment periods and texting on cell phones. The Borough Attorney was directed to revise the resolution in accordance with Council's discussion and bring it back to Council at the next meeting.

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

David Bach, 619 Grenache Court, East Windsor – commented that Council should use legal means to shut Eugene Sarafin down as he is an embarrassment to Hightstown when he uses foul language in front of women and children; for the good of the town you need to shut him down, he is not civilized.

Skye Gilmartin, 39 Dennis Court – thanked Council for discussing the Code of Conduct resolution and commented that she thinks it is a good idea.

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

Mayor/Council/Administrative Comments and Committee Reports

Councilmember Doran – noted that she attended the Housing Authority reorganization meeting and found it interesting that the ex-chief of Police was re-appointed; the Environmental Commission reorganization meeting is tonight and they will be reviewing the trailer site plan, per the stormwater ordinance, this is recommended but not required; commented that she is glad Dawson Bloom is officially on board; advised that the turnpike is opening their new toll plaza in phases.

Councilmember Woods – commented that she is working closely with the Wastewater Plant Superintendent to address the odor problem.

Councilmember Bibens – commented that she was unable to attend the Parks and Recreation reorganization meeting, but she did attend the Fire Department meeting and dinner which was a nice affair; this is going to be a busy year; recommended that the turnpike notice be placed on the website. The Borough Clerk advised that it has already been put on the website and copies are available at the meeting this evening.

Councilmember Bluth – commented that she attended the Planning Board meeting, they are reviewing the plans for the placement of temporary trailers and they have some issues; there are very intelligent people on our Planning Board and we should consult them more.

Councilmember Thibault – commented that he is a supporter of the second amendment; he advised that he has requested that Jill Swanson, Health Officer, and Sharon Lane, Borough Health Nurse, give a report on what they do annually; noted that he attended the Downtown Hightstown meeting and Mr. Gilmore had referenced that Hightstown is on a downward spiral, but the reason that Hightstown is not attractive is because of high taxes; the Borough needs to look at shared services, consolidation and demographics, people have less money to spend; the Mill property is not going to save the Borough, we need to reduce taxes.

Council President Quattrone – noted that he is pleased with the Liaison reports; he also supports the second amendment; Public Works is ready for snow with their new equipment and we have new police cars that are all wheel drive; noted that he spends a lot of time at the Borough offices working with the Mayor and Administrator and he thinks things are working well; the First Aid is doing fine.

Police Director LeTellier – noted that Sgt. Rungs has announced his retirement for March 1, 2013 and he is finishing up interviews for a replacement this week.

Administrator Theokas – reminded Council about upcoming budget workshop meetings and advised that the new employee in Finance is working out well.

Councilmember Bibens moved to adjourn at 10:30 pm, Councilmember Thibault, seconded. All ayes.

Respectfully Submitted,

Debra L. Sopronyi, RMC
Borough Clerk