

Meeting Minutes
Hightstown Borough Council
Regular Meeting
September 7, 2010 6:30 pm

The meeting was called to order by Mayor Patten at 6:30 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 advertised in the *Trenton Times* and the *Windsor-Hights Herald*, and is posted in the Borough Clerk's office."

ROLL CALL

	PRESENT	ABSENT
<i>Councilmember Bond</i>	✓	
<i>Councilmember McGinty</i>	✓	
<i>Councilmember Musing</i>	✓	
<i>Councilmember Quattrone</i>	✓	
<i>Councilmember Sikorski</i>	✓	
<i>Councilmember Theokas</i>	✓	
<i>Mayor Patten</i>	✓	

Also in attendance: Debra Sopronyi, Borough Clerk; Herbert Massa, Borough Administrator; and Frederick Raffetto, Borough Attorney;

Resolution 2010-191 Executive Session

The Borough Attorney requested that Minute Maid Litigation and Attorney-Client Privilege be added to the resolution.

Council President Quattrone moved resolution 2010-191 as amended, Councilmember Sikorski seconded.

Roll Call Vote: Council members Bond, McGinty, Musing, Quattrone, Sikorski and Theokas voted yes.

Resolution adopted, 6-0

Resolution 2010-191

*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 September 7, 2010 at approximately 6:30 p.m. in the Council Chambers 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 – Public Works Department

Litigation – Minute Mead

Attorney – Client privilege

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: December 7, 2010, 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.

Council re-convened into open session at 7:30pm at the Hightstown Engine Co. #1, where the general meeting was held.

The meeting was called to order by Mayor Patten at 7:30pm 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 advertised in the *Trenton Times* and the *Windsor-Hights Herald*, and is posted in the Borough Clerk's office."

The Flag Salute was followed by Roll call which had remained the same. Carmela Roberts, Borough Engineer; George Lang, Chief Finance Officer and James Eufemia, Chief of Police were also now in attendance.

Councilmember McGinty motioned that the agenda be amended to move the Engineer items to prior to the Presentation and delete the Halloween discussion, Council President Quattrone seconded. All agreed

Councilmember McGinty motioned to accept the agenda as amended, Council President Quattrone seconded; all approved.

Approval of Minutes

Council President Quattrone moved the minutes of the March 29, 2010 budget session meeting, Councilmember Sikorski seconded; all approved. Minutes approved 6-0

Council President Quattrone moved the minutes of the April 19, 2010 open session meeting, Councilmember Sikorski seconded; Councilmember Theokas abstained, all other Councilmembers approved. Minutes approved 5-0

Council President Quattrone moved the minutes of the April 19, 2010 executive session meeting, Councilmember Sikorski seconded; Councilmember Theokas abstained, all other Councilmembers approved. Minutes approved 5-0

Council President Quattrone moved the minutes of the May 3, 2010 open session meeting, Councilmember Sikorski seconded; all approved. Minutes approved 6-0

Council President Quattrone moved the minutes of the May 3, 2010 executive session meeting, Councilmember Sikorski seconded; all approved. Minutes approved 6-0

Resolution 2010-192 Authorizing Payment #3 and Change Order #2 – Tomco Construction – Water Main Extension Leshin Lane and Mercer Street

Council President Quattrone moved resolution 2010-192, Councilmember Sikorski seconded.

The Borough Engineer gave an overview of the resolution.

Roll Call Vote: Council members Bond, McGinty, Musing, Quattrone, Sikorski and Theokas voted yes.

Resolution adopted 6-0.

Resolution 2010-192

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

AUTHORIZING PAYMENT #3 & CHANGE ORDER #2 – TOMCO CONSTRUCTION, INC. (WATER MAIN EXTENSION LESHIN LANE AND MERCER STREET)

WHEREAS, on April 5, 2010, the Borough Council awarded a contract for the Water Main Extension Leshin Lane and Mercer Street to Tomco Construction, Inc. of Wharton, New Jersey in the amount of \$1,498,077.00; and,

WHEREAS, the contractor has submitted Payment Request No. 3 for work done in the total amount of \$206,596.40; and,

WHEREAS, the Contractor has requested Change Order #2 resulting in a reduction in the amount of \$39,542.12 bringing the total amount of the contract to \$1,533,589.50; and,

WHEREAS, said change order is due to extras, supplemental, and reductions; and,

WHEREAS, The Borough Engineer has recommended approval of this payment request and change order; and,

WHEREAS, the required certified payrolls have been submitted.

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

1. Change Order No. 2 to the contract with Tomco Construction, Inc. of Wharton, New Jersey resulting in a reduction in the amount of \$39,542.12 is hereby approved, and the Mayor is authorized to execute same.
2. By virtue of the approval of Change Order No. 2, the revised contract price is \$1,533,589.50.
3. Payment Request No. 3 from Tomco Construction, Inc. of Wharton, New Jersey in the amount of \$206,596.40, as detailed herein, is hereby approved, and the Treasurer is authorized to issue same.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that a certified copy of this resolution be forwarded to the Borough Engineer, Tomco Construction, Inc, Treasurer and Contract file.

Resolution 2010-193 Awarding a Contract for Memorial Park Improvements – Gres Paving Company, Inc.

Council President Quattrone moved resolution 2010-193, Councilmember Sikorski seconded.

The Borough Engineer gave an overview of the resolution.

Roll Call Vote: Council members McGinty, Musing, Quattrone, Sikorski and Theokas voted yes; Councilmember Bond abstained.

Resolution adopted 5-0.

Resolution 2010-193

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

**AWARDING CONTRACT FOR MEMORIAL PARK IMPROVEMENT PROJECT – GRES
PAVING COMPANY, INC.**

WHEREAS, fourteen (14) bids were received on August 20, 2010 for the Memorial Park Improvement project in Hightstown Borough; and,

WHEREAS, the bids have been reviewed by the Borough Engineer and it is the Engineer's recommendation that the contract for the Memorial Park Improvement project in Hightstown Borough be awarded to Gres Paving Company, Inc. of Hamilton, New Jersey at the price of \$320,968.95; and,

WHEREAS, this project is funded by a New Jersey Department of Transportation Centers of Place grant in the amount of \$350,000.00, the award of this contract is conditional upon approval by the New Jersey Department of Transportation; and,

WHEREAS, the Borough Attorney has reviewed the bids and has determined that the bid submitted by Gres Paving Company, Inc. is in order with respect to legal compliance; 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 contract for the Memorial Park Improvement project in Hightstown Borough is hereby awarded to Gres Paving Company, Inc. of Hamilton, New Jersey in the amount of \$320,968.95 upon approval by the New Jersey Department of Transportation.

Presentation

Walt Connor of 9 Spruce Court gave an oral presentation, supplemented by power point slides and a bound booklet

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distributed to Councilmembers and the public, on behalf of the Voices of Hightstown, a community group developed by residents of the Borough. The presentation set forth why the group advocated that Hightstown Borough should not disband its police force and outsource police services.

Mr. Lang, Chief Finance Officer of the Borough, gave a report on the 2009 actual and 2010-2020 projected costs, if the Borough continued to provide police and court services. Discussion ensued regarding the data presented, police staffing and overtime.

The Mayor opened the floor for Public Comment Period I. The following individuals spoke during the public comment period: Phyllis Deal, 305 Stockton Street; Rev. Bob Turton, First Baptist Church; Jane Guthrie, 425 Stockton Street; Frank Rivera, 110 Broad Street; Jeff Tarantino, 120 Center Street; Ozzie, 235 S. Academy Street; Rob Thibault, 504 S. Main Street; J. P. Gibbons, 602 S. Main Street; David Bell, 114 First Avenue; Glenn Heidel, 105 Hutchinson Street; David Coates, 444 S. Main Street; Scott Caster, 12 Clover Lane; Jeff Friedman, 24 Norton Avenue; Torry Watkins, 68 Meadow Drive; John Archer, 131 Bennett Place; Herbert Smith, 150 S. Main Street; Kathy Greeley, 40 Westerlea Avenue; James Robinson, 243 Mercer Street.

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

Ordinance 2010-15 Public Hearing and Final Reading: Amending Section 3-1, "Unlawful Acts" of the Revised General Ordinances of the Borough of Hightstown Regarding Bodily Human Waste

Councilmember Theokas gave an overview of the ordinance.

The Mayor opened the public hearing on Ordinance 2010-15. The following members of the public spoke: Scott Caster, 12 Clover Lane; and Phyllis Deal, 305 Stockton Street. The Council then had discussion.

Council President Quattrone moved for adoption of ordinance 2010-15, Councilmember Sikorski seconded.

Roll Call Vote: Councilmembers Bond, McGinty, Musing, Quattrone, Sikorski and Theokas voted yes.

Ordinance introduced 6-0.

ORDINANCE 2010-15

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

**AMENDING SECTION 3-1, "UNLAWFUL ACTS" OF THE REVISED GENERAL ORDINANCES OF THE
BOROUGH OF HIGHTSTOWN REGARDING BODILY HUMAN WASTE**

WHEREAS, the Ordinance Review Committee has recommended that an ordinance be put in effect that would make public urination illegal in the Borough; and

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

Section 1. Section 3-1 of the Revised General Ordinances of the Borough of Hightstown is hereby amended as follows (Cross-outs are deletions and underlines are additions):

Section 3-1

UNLAWFUL ACTS

Subsections:

3-1.1 Definitions.

3-1.2 Actions Prohibited.

3-1.3 Obeying Order of a Police Officer.

3-1.4. Public Urination

3-1.1 Definitions.

As used in this section:

“Parent” or “guardian” shall include any adult person having care or custody of a minor, whether by reason of blood relationship, the order of any court or otherwise.

“Public place” shall mean a place to which the public has access, including any public building and grounds,

street, highway, road, alley, boardwalk or sidewalk. It shall also include the front or the neighborhood of a store, shop, restaurant, tavern or other place of business and public grounds, areas, parks and marinas, as well as parking lots or other vacant private property not owned by or under the control of the person charged with violating this chapter or, in the case of a minor, not owned or under the control of his parent or guardian. (1991 Code § 141-1)

3-1.2 Actions Prohibited.

No person shall remain in a public place in such a manner as to:

- a. Create or cause to be created a danger of a breach of the peace.
- b. Create or cause to be created any disturbance or annoyance to the comfort and repose of any person.
- c. Obstruct the free passage of pedestrians or vehicles.
- d. Obstruct, molest or interfere with any person lawfully in a public place. This subsection shall include the making of unsolicited remarks of an offensive, disgusting or insulting nature or which are calculated to annoy or disturb the person to whom or in whose hearing they are made. (1991 Code § 141-2)

3-1.3 Obeying Order of a Police Officer.

Any person violating the provisions of subsection 3-1.2 shall be ordered to move on by a Police Officer, failing which he shall be guilty of a violation. (1991 Code § 141-3)

3-1.4. Public Urination

a. No person shall urinate or place any bodily waste of humans on any public street, sidewalk or other place in public view, including on private property within public viewing, or to which any member of the public is invited or has access (including line of sight access), except in a lavatory toilet or similar facility.

b. Penalties. Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to penalties as stated in Chapter I, Section 1-5.

Section 2. That all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

Section 3. 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.

Section 4. That this Ordinance shall take effect upon final passage and publication in accordance with the law.

Ordinance 2010-16 First Reading and Introduction: Bond Ordinance Providing for the Summit Street Sidewalk Repair in and by the Borough of Hightstown, in the County of Mercer, New Jersey Appropriating \$180,000.00 Therefor and Authorizing the Issuance \$180,000.00 Bonds or Notes of the Borough to Finance Part of the Cost Thereof

George Lang, Chief Finance Officer gave an overview of the ordinance.

Council President Quattrone moved for introduction of Bond Ordinance 2010-16, Councilmember Sikorski seconded.

Roll Call Vote: Councilmembers Bond, McGinty, Musing, Quattrone, Sikorski and Theokas voted yes.

Bond Ordinance introduced 6-0.

Ordinance 2010-16

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

BOND ORDINANCE PROVIDING FOR THE SUMMIT STREET SIDEWALK IMPROVEMENTS IN AND BY THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$180,000 THEREFOR AND AUTHORIZING THE ISSUANCE \$180,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.

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

The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Borough of Hightstown, in the County of Mercer, New Jersey (the "Borough") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$180,000, including a grant expected to be received from the State of New Jersey Department of Transportation in the amount of \$147,000 (the "State Grant"). Pursuant to N.J.S.A. 40A:2-11(c), no down payment is provided for the costs of the improvement since the project described in Section 3(a) hereof is being partially funded by the State Grant.

In order to finance the cost of the improvement or purpose and in anticipation of the State Grant referred to in Section 1 hereof, negotiable bonds are hereby authorized to be issued in the principal amount \$180,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

(a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is for the installation of sidewalks on Summit Street from Stockton Street to Morristown Avenue and continuing east to the Greenway Walking Trail, including all work and materials necessary therefor and incidental thereto and further including all related costs and expenditures incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefore.

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

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

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

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

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

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$180,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$51,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

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

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

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

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

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

Councilmember Bond suggested that the resolutions be moved as a consent agenda. Councilmember Mc Ginty objected and the resolutions were moved individually.

Resolution 2010-186 Authorizing a Donation to RISE

Councilmember Theokas moved resolution 2010-186, Councilmember Sikorski seconded.

There was discussion.

Roll Call Vote: Council members Bond, McGinty, Musing, Quattrone, Sikorski and Theokas voted yes.

Resolution adopted 6-0.

Resolution 2010-186

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

**AUTHORIZING 2010 DONATION TO RISE
(FORMERLY KNOWN AS THE COMMUNITY ACTION SERVICE CENTER)**

WHEREAS, the Borough of Hightstown has, for many years, made an annual contribution to the agency now known as Rise (formerly known as the Community Action Service Center); and

WHEREAS, it is the desire of the Mayor and Council to contribute the sum of \$4,000.00 to Rise for the year 2010, equivalent to the amount contributed during 2009; and

WHEREAS, the Chief Financial Officer has certified the availability of funds for this payment;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Treasurer is hereby authorized to issue payment to Rise (formerly known as the Community Action Service Center) in the amount of \$4,000.00, representing the Borough's contribution to them for the year 2010.

Resolution 2010-194 Authorizing Payment of Bills

Councilmember Theokas moved resolution 2010-194, Council President Quattrone seconded.

Roll Call Vote: Council members Bond, McGinty, Musing, Quattrone, Sikorski and Theokas voted yes.

Resolution adopted 6-0.

Resolution 2010-194

*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 \$ 1,422,022.85 from the following accounts

Current	\$	885,194.55
W/S Operating		115,249.56
General Capital		16,871.64
W/S Capital		396,081.11
Grant		5,130.08
Trust		3,495.91
Housing Trust		-
Animal Control		-
Law Enforcement Trust		-
Unemployment Trust		-

Escrow

-

Total

\$ 1,422,022.85

Resolution 2010-195 Requesting Permission to Establish a Dedicated Trust by Rider for Hightstown Memorial Park (including Peddie Lake Bridge) Donations Pursuant to N.J.S.A 40A:5-29

Council President Quattrone moved resolution 2010-195, Councilmember Sikorski seconded.

Roll Call Vote: Council members Bond, McGinty, Musing, Quattrone, Sikorski and Theokas voted yes.

Resolution adopted 6-0.

Resolution 2010-195
*BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY*

**REQUESTING PERMISSION TO ESTABLISH A DEDICATED TRUST BY RIDER FOR
HIGHTSTOWN MEMORIAL PARK (INCLUDING PEDDIE LAKE BRIDGE) DONATIONS
PURSUANT TO N.J.S.A. 40A:5-29**

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimates in advance; and

WHEREAS, N.J.S.A. 40A:5-29 permits municipalities to receive amounts for costs incurred for Hightstown Memorial Park (Including Peddie Lake Bridge Donations); and

WHEREAS, N.J.S.A. 40A:4-39 provides that the Director of the Division of Local Government Services may approve expenditures of monies by dedication by rider;

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

1. The governing body hereby requests permission of the Director of the Division of Local Government Services to pay expenditures for Hightstown Memorial Park (Including Peddie Lake Bridge) Donations per N.J.S.A. 40A:4-39.
2. The Municipal Clerk of the Borough of Hightstown is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

Resolution 2010-196 Requesting Permission to Establish a Dedicated Trust by Rider for Parks and Recreation Donations Pursuant to N.J.S.A 40A:5-29

Council President Quattrone moved resolution 2010-196, Councilmember Sikorski seconded.

Roll Call Vote: Council members Bond, McGinty, Musing, Quattrone, Sikorski and Theokas voted yes.

Resolution adopted 6-0.

Resolution 2010-196
*BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY*

**REQUESTING PERMISSION TO ESTABLISH A DEDICATED TRUST BY RIDER FOR
HIGHTSTOWN BOROUGH PARKS AND RECREATION DONATIONS PURSUANT TO
N.J.S.A. 40A:5-29**

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimates in advance; and

WHEREAS, *N.J.S.A.* 40A:5-29 permits municipalities to receive amounts for costs incurred for Hightstown Borough Parks and Recreation Donations; and

WHEREAS, *N.J.S.A.* 40A:4-39 provides that the Director of the Division of Local Government Services may approve expenditures of monies by dedication by rider.

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

3. The governing body hereby requests permission of the Director of the Division of Local Government Services to pay expenditures for Hightstown Borough Parks and Recreation Donations per *N.J.S.A.* 40A:4-39.
4. The Municipal Clerk of the Borough of Hightstown is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

Resolution 2010-197 Authorizing the Extension of Grace Period for Payment of Third Quarter 2010 Property Taxes

Council President Quattrone moved resolution 2010-197, Councilmember Sikorski seconded.

Roll Call Vote: Council members Bond, McGinty, Musing, Quattrone, Sikorski and Theokas voted yes.

Resolution adopted 6-0.

Resolution 2010-197

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

**RESOLUTION AUTHORIZING EXTENSION OF GRACE PERIOD FOR PAYMENT OF THIRD
QUARTER 2010 PROPERTY TAXES**

WHEREAS, tax bills for the Borough of Hightstown have been delayed slightly, and,

WHEREAS, Title 54 provides for an interest penalty for the failure to pay third quarter taxes by August 1; and,

WHEREAS, it would be unfair to assess penalties against taxpayers whose failure to pay taxes is due solely to a delay for which they are not responsible.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Hightstown that the rate of interest to be charged for the late payment of third quarter 2010 taxes from the period August 1 through August 16, 2010 only shall be 0.0%; except that said rate shall not apply to those persons and entities who are delinquent on payment of the first or second quarter 2010 and prior years' property taxes; and,

BE IT FURTHER RESOLVED that after August 16, 2010, the rate of interest to be charged for the payment of third quarter taxes will be the current authorized rate (8% of the first \$1,500.00 of delinquency and 18% on the excess over \$1,500.00) from the due date of August 1, 2010 until the date the actual payment is received in the Tax office; and,

BE IT FURTHER RESOLVED that the taxpayers of the Borough of Hightstown be notified of this extension by placement of a notice in their tax bills; and,

Resolution 2010-198 Authorizing a Refund for the Hightstown borough Fair – Benton Financial Services

Council President Quattrone moved resolution 2010-198, Councilmember Sikorski seconded.

Roll Call Vote: Council members Bond, McGinty, Musing, Quattrone, Sikorski and Theokas voted yes.

Resolution adopted 6-0.

Resolution 2010-198

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

AUTHORIZING A REFUND FOR THE HIGHTSTOWN BOROUGH FAIR – BENTON FINANCIAL SERVICES

WHEREAS, Benton Financial Services of Hightstown paid a vendor fee to participate in the Borough Fair with check #1095 in the amount of \$40.00; and

WHEREAS, \$40.00 was deposited into account #T-12-56-286-000-836; and

WHEREAS, it is customary that Downtown Business Owners are not required to pay for space in front of their establishment for this event; and

WHEREAS, the Treasurer has requested that they receive a refund of the \$40.00 paid.

BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Treasurer is hereby authorized and directed to issue a refund in the amount of \$40.00 to Benton Financial Services, 120 Main Street, 2nd Floor, Hightstown, New Jersey 08520, for a vendor fee paid to participate in the Hightstown Borough Fair.

Resolution 2010-199 Authorizing a Refund for the Hightstown Borough Fair – Linda Szafranski

Council President Quattrone moved resolution 2010-199, Councilmember Sikorski seconded.

Roll Call Vote: Council members Bond, McGinty, Musing, Quattrone, Sikorski and Theokas voted yes.

Resolution adopted 6-0.

Resolution 2010-199

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

AUTHORIZING A REFUND FOR THE HIGHTSTOWN BOROUGH FAIR – LINDA SZAFRANSKI

WHEREAS, Linda Szafranski of 260 Audubon Ave., Audubon, New Jersey paid a vendor fee to participate in the Borough Fair with check #2479 in the amount of \$40.00; and

WHEREAS, \$40.00 was deposited into account #T-12-56-286-000-836; and

WHEREAS, Ms. Szafranski has fallen ill and will not be able to participate in this event; and

WHEREAS, the Treasurer has requested that she receive a refund of the \$40.00 paid.

BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Treasurer is hereby authorized and directed to issue a refund in the amount of \$40.00 to Linda Szafranski of 260 Audubon Ave., Audubon, New Jersey 08106 for a vendor fee paid to participate in the Hightstown Borough Fair.

Resolution 2010-200 Authorizing an Agreement to Renew Membership in the Mid Jersey Joint Insurance Fund

Council President Quattrone moved resolution 2010-200, Councilmember Sikorski seconded.

There was discussion.

Roll Call Vote: Council members Bond, McGinty, Musing, Quattrone, Sikorski and Theokas voted yes.

Resolution adopted 6-0.

Resolution 2010-200

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

**RESOLUTION FOR RENEWAL OF MEMBERSHIP IN THE
MID JERSEY MUNICIPAL JOINT INSURANCE FUND**

WHEREAS, the Borough of Hightstown is a member of the Mid Jersey Municipal Joint Insurance Fund; and

WHEREAS, said renewal membership terminates as of January 1, 2011*, unless earlier renewed by agreement between the Municipality and the Fund; and

WHEREAS, the Borough of Hightstown desires to renew said membership;

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

1. The Borough of Hightstown agrees to renew its membership in the Mid Jersey Municipal Joint Insurance Fund for a period of three (3) years beginning January 1, 2011, and ending on January 1, 2014*, and to be subject to the Bylaws, Rules and Regulations, coverages and operating procedures thereof as presently existing or as modified from time to time by lawful act of the Fund.
2. The Mayor and Municipal Clerk shall be and hereby are authorized to execute the agreement to renew membership which is annexed hereto and made a part hereof, and to deliver same to the Mid Jersey Municipal Joint Insurance Fund evidencing the Municipality's intention to renew its membership.

Resolution 2010-201 Authorizing Hotel Expenses for the Administrator & Clerk to Attend the League of Municipalities Conference

Council President Quattrone moved resolution 2010-201, Councilmember Sikorski seconded.

There was discussion.

Roll Call Vote: Council members Bond, McGinty, Musing, Quattrone, Sikorski and Theokas voted yes.

Resolution adopted 6-0.

Resolution 2010-201

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

**AUTHORIZING HOTEL EXPENSES FOR THE ADMINISTRATOR AND CLERK TO ATTEND THE LEAGUE OF
MUNICIPALITIES CONFERENCE**

WHEREAS, the Hightstown Borough Council recognizes the vital importance of training Borough's employees; and

WHEREAS, the League of Municipalities Conference held in November is an excellent source of said training at minimal cost; and

WHEREAS, the Council finds it beneficial to the Borough to have the Borough Administrator and Borough Clerk attend said conference; and

WHEREAS, the Borough Administrator will be attending the conference and requires an overnight stay of two (2) nights; and

WHEREAS, the Borough clerk will be attending the conference and requires an overnight stay of three (3) nights; and

WHEREAS, the Borough Council finds it cost effective to permit the overnight stays rather than reimburse mileage for travel to and from the conference; and

WHEREAS, the cost for said expenses shall not exceed \$500.00; and

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

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Hightstown hereby authorizes the Borough to pay for overnight stays at the League of Municipalities Conference in November, 2010 as stated above for the Borough Administrator and Borough Clerk.

Resolution 2010-202 Authorizing an Auction License – Empire Antiques

Council President Quattrone moved resolution 2010-202, Councilmember Sikorski seconded.

Roll Call Vote: Council members Bond, McGinty, Musing, Quattrone, Sikorski and Theokas voted yes.

Resolution adopted 6-0.

Resolution 2010-202

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

AUTHORIZING ISSUANCE OF LICENSE FOR AUCTION - EMPIRE ANTIQUES

WHEREAS, an application for a license to hold an auction on Thursday, October 7, 2010 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 Chief of Police; 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 Thursday, October 7, 2010 at 278 Monmouth Street.

Mr. Massa stated additional information regarding the Animal Control Services Agreement will be available at the next meeting.

The Mayor then opened Public Comment Period II. The following residents spoke during the public comment period: Rob Thibault, 504 S. Main Street; Mike Vanderbeck, 344 Stockton Street; Scott Caster, 12 Clover Lane; Torry Watkins, 68 Meadow Drive; and J. P. Gibbons, 602 N. Main Street.

Council/Mayor/Administrative Comments

Chief Eufemia – stated that they are anticipating large crowds for the Triathlon and Fair, but they are prepared.

Clerk Sopronyi – gave a brief explanation of the agendas being sent out in compliance with a request from the Voices of September 7, 2010

Hightstown group.

Mayor Patten – stated that the Greenways Bridge Committee will have a an important presentation at the next meeting.

Councilmember McGinty – explained that she thinks all discussion regarding resolutions should be in public; and made reference to the condemnation code and explained the necessary process in the code.

Councilmember Theokas – stated that to run for office means you are making a commitment to the residents, and under the circumstances, he must resign from Council effective tomorrow; he has accepted a six month relocation assignment. He commented that he has spent many hours and sleepless nights making this decision and understands that the timing is difficult for the Borough. He then proceeded to thank Councilmember Sikorski for his guidance and friendship; and thanked the Mayor for getting him involved and being such a great help and friend. He continued to thank various people, including the remainder of Council, Employees, Supporters and Voters. Councilmember Theokas reminded the residents that they make Hightstown Borough what it is today and will be in the future.

Mayor Patten – replied to Councilmember Theokas that he has made a positive difference in Hightstown.

Councilmember McGinty – thanked Councilmember Theokas for everything and stated that it has been a pleasure working with him.

Councilmember Bond – stated that Hightstown will miss Councilmember Theokas.

Council President Quattrone – stated that he is very proud to have served with Councilmember Theokas; and thanked him for a great job.

Councilmember Sikorski – stated that he served with Councilmember Theokas in the hiring of the new Clerk and Administrator, he was a great asset. He continued that in his short time in Hightstown, Councilmember Theokas has accomplished great things and it has been a pleasure working with him.

Councilmember Musing – stated that it has been a pleasure working with Councilmember Theokas and wished him luck.

Council President Quattrone moved to adjourn the meeting at 11:06 pm and Councilmember Sikorski seconded; the Motion was approved unanimously.

Respectfully Submitted,

Debra L. Sopronyi

Borough Clerk