

**Meeting Minutes**  
**Hightstown Borough Council**  
**Regular Meeting**  
**June 7, 2010    7:30 pm**

The meeting was called to order by the Mayor 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.

**ROLL CALL**

	<b>PRESENT</b>	<b>ABSENT</b>
<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; Frederick Raffetto, Borough Attorney; George Lang, Chief Finance Officer.

Council President Quattrone motioned that a second public comment period be added to the agenda following the consent agenda, Councilmember Sikorski seconded; all approved.

**Ordinance 2010-08 Public Hearing and Final Reading - An Ordinance Amending Chapter 28, "Zoning" of the "Revised General Ordinances of the Borough of Hightstown, New Jersey" Regarding Portable Storage Units and Dumpsters and the Height of Fences in the Front Yard**

Council President Quattrone moved Ordinance 2010-08 and Councilmember Sikorski seconded.

Mr. Misiura, Planning Board Chairperson, explained the Planning Board's need for this ordinance.

The Mayor opened the public hearing on ordinance 2010-08, there being no comments the public hearing was closed.

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

Ordinance Adopted, 5-0

**ORDINANCE 2010-08**

*BOROUGH OF HIGHTSTOWN*

*COUNTY OF MERCER*

*STATE OF NEW JERSEY*

**AMENDING CHAPTER 28, "ZONING," OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN REGARDING PORTABLE STORAGE UNITS AND DUMPSTERS AND THE HEIGHT OF FENCES IN THE FRONT YARD**

**WHEREAS**, the Construction Official and Zoning Officer have made certain recommendations for revisions to Chapter 2

June 7, 2010

of the Borough Code; and

**WHEREAS**, the Planning Board has reviewed and concurred with these recommendations;

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

Section 1.Chapter 28, “Zoning,” is hereby amended as follows:

A. Subsection 28-2-2 “Definitions” is amended to add the following definitions:

Dumpster shall mean a transportable rigid container, which is a portable detachable device, generally used for routine collection, temporary storage of solid waste, construction materials, industrial and other waste materials generally on a temporary basis.

Portable Storage Unit shall mean a transportable container, storage unit, shed-like container or other portable structure designed and used for the temporary storage of household goods, personal items, construction materials and supplies and other materials which is placed on a site for the use of occupants of a dwelling or building on a limited basis; portable storage units include, but are not limited to, certain trade named units called “PODS”, “mobile attics” and like portable on-demand storage containers.

Storage Shed shall mean a rigid structure, either installed, placed, or constructed on a lot, for the purpose of storage of personal household goods.

Temporary Trailer shall mean a non-commercial structure that is used for the transportation or storage of goods or materials, for temporary short-term habitation in case of calamity, or other occupancy as defined in this Ordinance; a box container which has been temporarily or permanently removed from a chassis or truck bed shall be considered a “trailer.”

B. Subsection 28-3-5a2(f) is added as follows:

(f) Subject to lot coverage requirements, no more than two (2) storage sheds are permitted on a lot.

C. Subsection 28-10-4b is amended as follows:

b. Except as provided herein, fences or walls in a residential district shall not be more than four (4') feet or less than two (2') in height along the front line or in the front yard. Side lot line and rear lot line fences shall not be less than three (3') feet nor more than six (6') feet in height, unless it is a living fence, stone wall or built structure. A living fence shall have no minimum or maximum height on the rear or side yard. A stone wall shall have no minimum height but will be limited to six (6') feet in height. A built structure shall be governed by all applicable zoning and construction requirements as set forth in this Code. An opaque fence of solid construction along the front line or within the front yard may be constructed at a height of three (3') feet only. A see-through-type fence may be erected along the front lot line or within the front yard to a height of not less than two (2') feet nor more than four (4') feet in height. A see-through-type fence is defined as a fence with a minimum open space of two and a half inches (2.5") between pickets. The provisions of this paragraph notwithstanding, the height of any fence located in the sight triangle as set forth in Section 28-10-8 shall not exceed thirty (30") inches whether or not it is located within the front, side or rear yards.

D. Subsection 28-10-4 “Fences, Walls and Small Sheds” is amended to add 28-10-4h.4. as follows:

4. Subject to the lot coverage requirements of the Zoning District and subsection 28-3-5a.2(f), no more than two (2) sheds may be installed on an individual lot.

E. Subsection 28-10-11 “Portable Storage Units and Dumpsters” is added as follows:

a. Usage of Portable Storage Unit. A portable storage unit may be used for holding property when work in a structure may require property to be placed elsewhere, or for loading or unloading property when moving to or from a structure.

b. Usage of Dumpsters. A dumpster may be used for holding refuse, garbage, construction materials or debris when work in a structure may require a place to throw away large amounts of waste, or for holding waste when to or from a structure.

c. Frequency and Duration. An “event” shall consist of the delivery and pick-up of the portable storage unit or multiple deliveries and pick-ups within thirty (30) days. Temporary portable storage units and dumpsters may not exceed the following durations of stay:

(1) In any of the Residential Zoning Districts, events shall be a maximum of thirty (30) calendar days per event with a maximum of four (4) events per structure per calendar year. There shall be at least one (1) month between each event.

(2) In Residential Zoning Districts, the Zoning Officer may approve an event lasting more than the maximum of thirty (30) calendar days described above, but not more than ninety (90) days unless a permit for construction or rehabilitation has been obtained for the subject property.

d. Placement. Portable storage units and dumpsters may not be placed in streets or public rights-of-way or on easements for utility maintenance or forward of the front wall of the principal structure unless authorized by the zoning officer. Such authorization shall be controlled by the availability and practicality of placing the portable storage unit or dumpster elsewhere on the property.

e. Responsibility of user. Portable storage units and dumpsters shall be in good physical condition, free from evidence of deterioration, weathering, discoloration, rust, ripping, tearing or other holes, breaks, or leaks. When not in use, the portable storage unit shall be kept locked. Dumpster lids and doors shall be kept tightly and completely closed when not in use. The user is responsible to ensure no hazardous substances are stored or kept within a portable storage unit or dumpster. The area surrounding the dumpster shall also be kept clean and free of loose debris.

F. Subsection 28-10-12 “Temporary Trailers” is added as follows:

16. a. Temporary trailers used for temporary residency by any occupant of a dwelling that is being reconstructed due to damage from a fire, flood or other natural calamity shall be subject to the following provisions:

(1) The temporary trailer must be placed on the same lot containing the dwelling that is being reconstructed.

(2) An approved zoning permit shall be obtained from the Zoning Officer prior to the placement of the temporary trailer on the site. The Zoning Officer, with the input of the Construction Official and the Fire Chief, shall be responsible for determining the most practical location for the temporary trailer.

(3) The temporary trailer shall not be located on the site for more than one hundred eight (180) days; however, the Zoning Officer may extend the time period of occupancy for an additional time period not to exceed ninety (90) days due to exceptional circumstances that prevent the reconstruction and re-occupancy of the damaged building within the initial one hundred eighty (180) day period.

b. Temporary trailers used for construction offices and for the storage of materials and supplies on a job site may be used during the period of construction only. All construction office and material storage trailers must be removed if no work or construction activity has occurred on-site for forty-five (45) days or more. Temporary trailers used for construction offices and for material storage must be removed upon completion of construction work or occupancy of the final structure.

Section 2. Penalties. This Ordinance may be enforced by the Zoning Officer, Construction Officer or Police Department of the Borough of Hightstown. Any person found to be in violation of this Ordinance shall be subject to the penalty provided in Chapter 1, Section 5 of the Revised Ordinances of the Borough of Hightstown.

Section 3. Severability. If any sentence, paragraph or section of this Ordinance, or the application thereof to any persons or circumstances shall be adjudged by a court of competent jurisdiction to be invalid, or if by legislative action any sentence, paragraph or section of this Ordinance shall lose its force and effect, such judgment or action shall not affect, impair or void the remainder of this Ordinance.

Section 4. Effective Date. This Ordinance shall become effective immediately upon final passage and publication in accordance with the law.

Section 5. Repealer. All other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

**Ordinance 2010-09 Public Hearing and Final Reading - An Ordinance Amending Chapter 12, "Permits" of the "Revised General Ordinances of the Borough of Hightstown, New Jersey" Regarding Demolition of Buildings and Structures**

Council President Quattrone moved Ordinance 2010-09 and Councilmember Sikorski seconded.

Mr. Misiura, Planning Board Chairperson, explained the Planning Board's need for this ordinance and also stated that the Planning Board has agreed to the Council changes regarding bonding.

The Mayor opened the public hearing on ordinance 2010-09, there being no comments the public hearing was closed.

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

Ordinance Adopted, 5-0

**ORDINANCE 2010-09**

*BOROUGH OF HIGHTSTOWN*

*COUNTY OF MERCER*

*STATE OF NEW JERSEY*

**AMENDING CHAPTER 12, SUBSECTION 12-3, "PERMITS," THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN REGARDING DEMOLITION OF BUILDINGS AND STRUCTURES**

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

Section 1. Chapter 12-3, "Permits," is hereby amended by adding the following as Subsection 12-3.6, Demolition Permits:

**PURPOSE.** The purpose of this Section is to provide fair and comprehensive process prior to the issuance of a demolition permit in order to permit adequate consideration of all issues related to demolition activities. This Section is also intended to protect the safety and welfare of adjoining property owners from damage that may be caused by the demolition.

As used in this Chapter, "Adjoining Properties" shall mean any property having a common boundary, and any property which would have a common boundary if not interrupted by a street, alley or other right of way.

"Accessory structure" shall mean a structure which is subordinate to and serves a principal structure; is subordinate in area, extent and purpose to the principal structure; contributes or has contributed to the comfort, convenience or necessity of the principal structure, and is located on the same parcel or property as the principal structure.

"Demolition" shall mean the razing and removal of all or at least sixty percent (60%) of the first floor footprint of a principal or accessory structure.

"Principal structure" shall mean the building in which the principal or primary use on the lot is conducted.

**B. Demolition Permits:**

a. Permit required. The demolition of any building or structure shall require a demolition permit which has been reviewed and approved by the Construction Official and the Zoning Officer in conformance with this Section and applicable law. Nothing contained in this Section shall limit the authority of the Construction Official or other appropriate Borough official to order a structure demolished in a life- or health-threatening emergency situation, or as may be otherwise authorized by State statute, other Borough Ordinance or the common law.

b. Application. Principal structure. In order to obtain a demolition permit for the demolition of any principal structure, a demolition permit application form must be completed and submitted to the Construction Official and the Zoning Officer. The demolition permit application shall contain the following information:

- (1) Property address, block and lot and current legal owner of property.

June 7, 2010

(2) Site Plan identifying all buildings and structures to be demolished and the location and size of all remaining structures, including pictures indicating the elevations of the buildings to be demolished.

(3) Whether the buildings or structures on the property are listed on the National Register of Historic Places, are located within the Borough's Historic District, identified in the Borough's Master Plan or subsequent Re-examination Report, or are located within one hundred fifty (150) feet of a federal, state or local historic district or are listed within the state, national or local Historic Register.

(4) Plans for the reuse of the property. If the reuse plan contemplates construction of a principal structure, the application shall include a site plan, a building plan and specifications.

(5) If commencement of construction of a new principal structure is not planned to occur within sixty (60) days after the completion of demolition, the application shall include a detailed site restoration and maintenance plan depicting all work required to restore the subject property to a safe, clean condition until construction of a new structure has commenced, including without limitation backfilling of any excavation, grading, seeding, fencing, stormwater management and utility disconnections.

(6) In addition to all other required plans and specifications, the application shall include detailed plans and specifications for stormwater management, soil erosion control and grading on the subject property. Such plans and specifications shall be on a drawing or drawings separate from all other plans and specifications labeled "Stormwater Management Plans." Additionally, such plans and specifications shall be in conformance with the requirements of the Borough's Stormwater Management Ordinance.

(7) A tree preservation plan shall be submitted identifying all trees with a six-inch (6") diameter or larger trunk located on the subject property. The plan shall identify any trees which would be removed as a consequence of the demolition or reuse of the subject property and provide for their replacement.

c. Application; accessory structure. Demolition permit applications for accessory structures shall be submitted to the Construction Official and the Zoning Officer. Demolition permit applications for accessory structures shall be submitted with all information set forth in paragraph b. of this Section.

d. Application review. The Construction Official and the Zoning Officer shall be responsible for the processing, review and approval of demolition permit applications. Within five (5) business days of the submission of a complete demolition permit application for a principal structure, the Applicant shall notify all owners of adjoining properties by Certified Mail, Return Receipt Requested. All information submitted shall be available for public inspection during normal business hours in Borough Hall.

(1) A demolition permit for a principal structure shall not be issued within the first thirty (30) days from the receipt of a completed demolition permit application but in no event shall a demolition permit for a principal structure be issued later than sixty (60) days from the receipt of a completed demolition permit application.

(2) The demolition of a principal or accessory structure may also be sought as part of a subdivision or site plan application. Any such application including the proposed demolition of a structure shall include all information set forth in paragraph b. of this Subsection.

(3) In accordance with N.J.A.C. 5:23-2.34 (Protection of Adjoining Properties) a complete demolition permit application shall be referred to the Planning Board for review and recommendations pursuant to N.J.S.A. 40:55D-26b prior to the issuance of a demolition permit. Unless extended, the Planning Board shall report back to the Construction Official and Zoning Officer within forty-five (45) days of the referral date.

a. Any review and recommendation by the Planning Board regarding a demolition permit application shall be done only after notice and hearing in accordance with N.J.S.A. 40:55b - 12 and 11.

(5) A complete demolition permit application shall also be referred to the Historical Preservation and Environmental Commission for review and report prior to the issuance of a demolition permit.

e. Review standards, requirements. The Construction Official and the Zoning Officer shall review all demolition permit applications in accordance with the Section and the Borough Ordinances, including the following standards:

(1) The granting of a demolition permit shall not be detrimental to the public health, safety and general welfare of the Borough or its residents.

(2) Adequate utilities, access ways, drainage and other necessary facilities and protective measures shall be provided.

(3) The reuse of the property shall be consistent with the Borough's Zoning Ordinance and Master Plan.

(4) Any new structure or use to be constructed on the subject property shall conform to the applicable requirements of this Zoning Ordinance unless the applicant has first applied for and been granted, a variance by the Borough's Planning Board.

(5) The applicant shall demonstrate conformance with N.J.A.C. 5:23-2.15(f), 2.17, 2.34 and all other applicable laws and regulations.

f. If the Construction Official and the Zoning Officer issue a building demolition permit, the demolition shall take place in accordance with the provisions of the Borough's Building Code in force at that time, the requirements of this Ordinance and any additional requirements or conditions imposed by the Construction Official or Zoning Officer. Proof of the disconnection of utilities serving the structure shall be provided to the Construction Official at least fifteen (15) days prior to the commencement of demolition.

g. Silt/Construction fencing shall be installed as approved by the Construction Official. Such fencing shall be removed no later than the completion of restoration as required by subsection (h) below. Required restoration or rough grading, when allowed by the Construction Official, shall be completed no later than forty-five (45) days after the completion of demolition.

h. Barring a force majeure event, if construction or reconstruction of a new principal structure has not commenced within sixty (60) days of the completion of demolition, the subject property site shall be restored within fifteen (15) days. Restoration of the property shall include without limitation: permanent disconnection of sewer and water, if applicable, at mains, final grading and seeding, the removal of dangerous conditions, rubbish and debris, restoration of damaged public property and removal of safety and tree protection fencing. If weather does not permit final grading and seeding. The Construction Official may permit rough grading until weather conditions permit final grading. Silt fencing and other stormwater measures shall remain in place in accordance with the Borough's Stormwater Ordinance.

i. Demolition Bond. The applicant shall post with the Clerk of the Borough, at the time of issuance of the permit for the demolition of a principal or accessory structure, a demolition performance bond, letter of credit or cash equivalent in the amount of ten percent (10%) of the cost of demolition or ten thousand dollars (\$10,000), whichever is less. Such Bond shall be in addition to all other application and processing fees, costs, escrows, bonds and other performance securities.

(1) The Borough shall have the right at all times, upon notice, at its option, to draw on the demolition bond or cash equivalent for costs, including legal fees and administrative expenses, incurred or to be incurred by the Borough in exercising any of its rights under this Section in the event the applicant undertakes any work in violation of any provisions of this Section.

(2) If the Borough draws on the demolition bond, or cash equivalent, the applicant shall replenish the bond, or cash equivalent, to the full amount required under subsection i above immediately after demand is made to the applicant in writing by the Borough. Any failure of the applicant to replenish the bond shall result in cancellation of the related permit, which permit shall not be reissued thereafter except after the filing of a new application, payment of the permit fee and the establishment of a new bond.

(3) Upon the completion of the demolition, the applicant shall submit in writing a request for the return of the demolition bond or the release of the demolition letter of credit. The Borough shall return any unused portion of the demolition bond or cash equivalent to the applicant, without interest, within thirty (30) days after final demolition inspection of the property and approval of the demolition by the Construction Official and the Zoning Officer. Properties where construction of a new principal building has not commenced within thirty (30) days of demolition shall be restored as required by this Section before the demolition bond shall be returned.

j. A non-refundable application fee of two hundred fifty dollars (\$250) shall be required for a demolition permit for a principal structure. A non-refundable fee of fifty dollars (\$50) shall be required for a demolition permit for an accessory structure. Fees shall be submitted with the demolition permit application.

k. If deemed essential by the Historic Preservation Commission ("HPC"), applicant shall provide access at reasonable times and on convenient days to the structure or structures to be demolished, and allow members of the HPC or their agents, to take measurements and pictures of interior, exterior and pertinent details. These measurements and pictures will

memorialize the architecture and aesthetics of the structure proposed for demolition. Access, as needed to obtain legible photographs, shall be during a maximum thirty (30) day period or until the HPC has signed off, but in no event later than forty-five (45) days from the receipt of a completed demolition permit application. Prior to the issuance of a demolition permit, the HPC Chairperson or Vice Chairperson shall advise the Construction Official and the Zoning Officer that the photographs under this section have been completed. A demolition application shall not be deemed complete until the HPC inspection is completed.

(1) The HPC shall be permitted to draw against the demolition fee set forth in paragraph j above for the purchase of digital storage media and photographic printing costs, in an amount not to exceed fifty dollars (\$50).

Section 2. Penalties. This Ordinance may be enforced by the Zoning Officer, Construction Official or Police Department of the Borough of Hightstown. Any person found to be in violation of this Ordinance shall be subject to the penalty provide in Chapter 1, Section 5 of the *Revised General Ordinances of the Borough of Hightstown*.

Section 3. Severability. If any sentence, paragraph or section of this Ordinance, or the application thereof to any persons or circumstances shall be adjudged by a court of competent jurisdiction to be invalid, or if by legislative action any sentence, paragraph or section of this Ordinance shall lose its force and effect, such judgment or action shall not affect, impair or void the remainder of this Ordinance.

Section 4. Effective Date. This Ordinance shall become effective immediately upon final passage and publication in accordance with the law.

Section 5. Repealer. All other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

## **PUBLIC COMMENT I**

The Mayor opened the public comment period and the following individuals spoke: Phyllis Deal, 305 Stockton Street; Gail Kelly, 121 Second Avenue; Eugene Sarafin, 628 S. Main Street; Steven Bryant, 4 Pennington Road East Windsor; John Archer, 131 Bennett Place; Mayor David Fried, Robbinsville; David Bell, 114 First Avenue; Esther Velazquez, 178 Grant Avenue; Steve Misiura, 352 S. Main Street.

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

## **Resolution 2010-134 Authorizing the Payment of Bills**

Council President Quattrone moved resolution 2010-134, Councilmember Sikorski seconded.

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

Ordinance Adopted, 5-0

**Resolution 2010-134**

*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      \$ 1,160,205.42      from the following accounts

Current	\$	763,867.99
W/S Operating		350,599.20
General Capital		17,951.94
W/S Capital		21,638.50
Grant		1,255.90
Trust		4,094.90
Animal Control		76.99
Law Enforcement		600.00
Escrow		120.00
Total	\$	1,160,205.42

**Resolution 2010-135 Authorizing Temporary Emergency Appropriations Prior to Adoption of the 2010 Budget**

Council President Quattrone moved resolution 2010-135, Councilmember Theokas seconded.

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

Ordinance Adopted, 5-0

## Resolution 2010-135

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

**AUTHORIZING EMERGENCY TEMPORARY APPROPRIATIONS  
PRIOR TO ADOPTION OF THE 2010 BUDGET**



**WHEREAS**, an emergent condition has arisen with respect to inadequate appropriation balances remaining in some line items of the 2010 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 2010 pursuant to the provisions of N.J.S.A. 40A:4-20 (Chapter 96, P.L. 1951, as amended), including this resolution, total:

	<i><b>THIS RESOLUTION</b></i>	<i><b>PREVIOUS TOTAL</b></i>	<i><b>CUMULATIVE TOTAL</b></i>
Current	358,863.00	1,573,370.00	<b>1,932,233.00</b>
Capital Outlay – Current	15,999.00	0.00	<b>15,999.00</b>
Debt Service - Current	0.00	0.00	<b>0.00</b>
Water/Sewer	368,856.00	666,734.00	<b>1,035,590.00</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>743,718.00</b>	<b>2,240,104.00</b>	<b>2,983,822.00</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 2010 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 2010-136 Authorizing Shared Services Agreement for EMS Services**

Councilmember McGinty recused herself from discussion and vote in this matter.

Council President Quattrone moved to open discussion on resolution 2010-136, Councilmember Theokas seconded. All agreed.

A review of the proposals received for EMS Services was made by Council President Quattrone. Discussion ensued.

Councilmember Sikorski moved to add the name of East Windsor to resolution 2010-136, Councilmember Bond seconded.

Roll Call Vote: Council members Bond, Sikorski and Theokas voted yes; Council President Quattrone voted no; Councilmember McGinty was recused.

Amendment adopted 3-1.

Councilmember Sikorski then moved resolution 2010-136 for adoption as amended, Councilmember Theokas seconded.

Roll Call Vote: Council members Bond, Sikorski and Theokas voted yes; Council President Quattrone voted no; Councilmember McGinty was recused.

Resolution adopted, 3-1.

#### **Resolution 2010-136**

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

#### **AUTHORIZING A SHARED SERVICES AGREEMENT WITH EAST WINDSOR TOWNSHIP FOR EMERGENCY MEDICAL SERVICES**

June 7, 2010

**WHEREAS**, Hightstown Borough has solicited proposed shared services agreements for the provision of emergency medical services; and

**WHEREAS**, the “Uniform Shared Services and Consolidation Act,” N.J.S.A. 40A:65-1 et seq. authorizes local units of this State to enter into an agreement with any other local unit or units to provide or receive any service that each local unit participating in the agreement is empowered to provide or receive in its own jurisdiction; and

**WHEREAS**, the Mayor and Council have reviewed the proposals submitted for a Shared Services Agreement for Emergency Medical Services for the period beginning on or about June 11, 2010 and continuing for a period of three years; and

**WHEREAS**, the Mayor and Council desire to execute an agreement with East Windsor Township in the amount of \$30,000.00 annually, paid monthly in the amount of \$2,500, as well as any Medicare co-payments billed by Capital Health Services for persons covered under this shared services agreement; and

**WHEREAS**, this annual fee will be pro-rated for the year 2010; and

**WHEREAS**, The Borough Attorney shall review said agreement prior to execution by the Borough; and

**WHEREAS**, the Chief Financial Officer has certified the extent to which funding for this expenditure is available in the 2010 temporary budget; and

**WHEREAS** it is the intention of the Mayor and Council to provide adequate and complete funding for this expenditure in the 2010 budget and in the budgets of succeeding years;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that, after review and approval by the Borough Attorney, the Mayor and Borough Clerk are hereby authorized and directed to execute a Shared Services Agreement in accordance with the provisions of the “Uniform Shared Services and Consolidation Act,” N.J.S.A. 40A:65-1 et seq. with East Windsor Township for Emergency Medical Services for the period beginning on or about June 11, 2010 and continuing for a period of three years in the amount of \$30,000.00 annually, paid monthly in the amount of \$2,500, as well as any Medicare co-payments billed by Capital Health Services for persons covered under this shared services agreement, said annual fee being pro-rated for the year 2010. Said agreement is approved subject to the provision of adequate funding in the Borough’s 2010 budget and in the budgets of the succeeding years.

#### **Consent Agenda**

#### **Resolution 2010-137, 2010-138, 2010-139, 2010-141, 2010-142, 2010-143 and 2010-144**

Council President Quattrone moved the consent agenda for adoption, Councilmember Sikorski seconded.

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

Resolutions adopted 5-0.

#### **Resolution 2010-137**

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

#### **AUTHORIZING THE REFUND OF A MARRIAGE LICENSE APPLICATION FEE – ORLANDO ORTIZ**

**WHEREAS**, it is required that an application fee in the amount of \$28.00 be paid when filing a Marriage License Application; and,

**WHEREAS**, the application can only be received in the municipality where either the bride or groom reside; and

**WHEREAS**, Orlando Ortiz of Twin Rivers inadvertently filed his marriage application in Hightstown Borough while being a resident of East Windsor; and

June 7, 2010

**WHEREAS**, the Borough Clerk finds that Orlando Ortiz is due a \$28.00 refund for the payment made at the time of this application; and

**WHEREAS**, the Chief Financial Officer 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 Treasurer is hereby authorized to issue a refund of a Marriage License Application fee in the amount of \$28.00 to Orlando Ortiz of 611 Abbington, 48-B, Twin Rivers, New Jersey.

**Resolution 2010-138**

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

**AUTHORIZING A REFUND FOR AN OVERPAYMENT FOR A RETAIL FOOD LICENSE –  
FIESTA BRAVA RESTAURANT**

**WHEREAS**, it is required that all retail food establishments in the Borough receive a license for each calendar year; and,

**WHEREAS**, Fiesta Brava renewed their license twice for the year 2010 creating an overpayment in the amount of \$175.00 for said license; and

**WHEREAS**, the Borough Clerk finds that Fiesta Brava is due a \$175.00 refund for the overpayment; and

**WHEREAS**, the Chief Financial Officer 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 Treasurer is hereby authorized to issue a refund of a Retail Food License fee in the amount of \$175.00 to Fiesta Brava Restaurant of 107 Franklin Street, Hightstown, New Jersey.

**Resolution 2010-139**

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

**CORRECTING RESOLUTION 2010-51**

**WHEREAS**, the Borough Council adopted Resolution 2010-51 on February 16, 2010; and,

**WHEREAS**, resolution 2010-51 issued a sewer credit in the amount of \$2,533.95 to Enchantment for the water usage for irrigation for the model home; and

**WHEREAS**, the resolution stated that the Borough of Hightstown has billed \$3,799.95 in sewer charges to the Enchantment Development; and

**WHEREAS**, The Water/Sewer Clerk has advised the correct amount billed for sewer charges during this period is \$3,859.95.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that resolution 2010-51 is revised to read that the amount billed to Enchantment for sewer charges during the period in question is revised to read \$3,859.95.

**Resolution 2010-141**

June 7, 2010

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

**ACCEPTING THE RESIGNATION OF THE EMERGENCY MANAGEMENT COORDINATOR  
– JOHN ARCHER**

**WHEREAS**, John Archer was appointed to the position of Emergency Management Coordinator for the Borough of Hightstown; and

**WHEREAS**, Mr. Archer has resigned this position effective June 4, 2010.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the resignation of John Archer from the position of Emergency Management Coordinator is hereby acknowledged and accepted.

**Resolution 2010-142**

**AUTHORIZING RENEWAL OF ALCOHOLIC BEVERAGE LICENSE #1104-32-001-005 –  
WINE DEPOT CORPORATION, T/A HEDY'S LIQUORS**

**WHEREAS**, Wine Depot Corporation has made application to the Borough for renewal of their Plenary Retail Consumption License with Broad Package Privilege License #1104-32-001-005, together with the required fees; and

**WHEREAS**, the State of New Jersey Division of Taxation has certified, by issuance of an ABC Retail Licensee Clearance Certificate, that Wine Depot Corporation is in compliance with Chapter 161, Laws of New Jersey 1995, and that they have no objections to the renewal of this license; and

**WHEREAS**, the Chief of Police has been consulted and has no objections to renewal of this license;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the Municipal Clerk is hereby authorized to issue the following Alcoholic Beverage License to Wine Depot Corporation, doing business as Hedy's Liquors at 500 Mercer Street:

**2010-11 Plenary Retail Consumption License with Broad Package Privilege  
License #1104-32-001-005  
Fee: \$2,500.00**

**BE IT FURTHER RESOLVED** that a certified copy of this resolution be forwarded to the Division of Alcoholic Beverage Control.

**Resolution 2010-143**

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

**AUTHORIZING RENEWAL OF ALCOHOLIC BEVERAGE LICENSE #1104-44-002-010 –  
FAMILY WINES AND LIQUORS, INC. (T/A HIGHTSTOWN LIQUOR)**

**WHEREAS**, Family Wines and Liquors, Inc. has made application to the Borough for renewal of their Plenary Retail Distribution License #1104-44-002-010, together with the required fees; and

**WHEREAS**, the State of New Jersey Division of Taxation has certified, by issuance of an ABC Retail Licensee Clearance Certificate, that Family Wines and Liquors, LLC, is in compliance with Chapter 161, Laws of New Jersey 1995, and  
June 7, 2010

that they have no objections to renewal of said license; and

**WHEREAS**, the Chief of Police has been consulted and has no objections to renewal of this license;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the Municipal Clerk is hereby authorized to issue the following Alcoholic Beverage License to Family Wines and Liquors, Inc. doing business as Hightstown Liquor at 107 Stockton Street:

**2010-11 Plenary Retail Distribution License**  
**License #1104-44-002-010**  
**Fee: \$2,500.00**

**BE IT FURTHER RESOLVED** that a certified copy of this resolution be forwarded to the Division of Alcoholic Beverage Control.

**Resolution 2010-144**  
*BOROUGH OF HIGHTSTOWN*  
*COUNTY OF MERCER*  
*STATE OF NEW JERSEY*

**AUTHORIZING ISSUANCE OF RAFFLE LICENSE #RL-218 TO  
HIGHTSTOWN ENGINE CO. #1 LADIES AUXILIARY**

**WHEREAS**, the Hightstown Engine Co. #1 Ladies Auxiliary wish to hold an off-premise 50/50 raffle at the Hightstown Engine Co. #1, 140 North Main Street, on October 16, 2010; and

**WHEREAS**, the group has submitted application number RA-218 for this raffle, together with the required fees; and

**WHEREAS**, the Borough Clerk and the Chief of Police have reviewed the application and have determined that the requirements of N.J.S.A. 5:8-53, regarding the applicant, the members in charge of the game, and the game itself, have been met;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the Borough Clerk is authorized to issue Raffle License No. RL-218 to Hightstown Engine Co. #1 Ladies Auxiliary for their off-premise 50/50 raffle to be held on October 16, 2010.

**Resolution 2010-140 Re-Appointing Tax Assessor – Ken Pacera**

Councilmember McGinty moved resolution 2010-140, Councilmember Theokas seconded.

It was commented that Mr. Pacera does a good job.

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

Ordinance Adopted, 5-0

**Resolution 2010-140**  
*BOROUGH OF HIGHTSTOWN*  
*COUNTY OF MERCER*  
*STATE OF NEW JERSEY*

**APPOINTING BOROUGH TAX ASSESSOR – KENNETH PACERA**

**WHEREAS**, Kenneth Pacera of Allentown, New Jersey was appointed to the position of Borough Tax Assessor effective July 1, 2006, which term will expire on June 30, 2010; and

**WHEREAS**, it is the desire of the Mayor and Council to re-appoint Mr. Pacera to a succeeding four-year term as Tax Assessor;

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

1. In accordance with the provisions of N.J.S.A. 40A:9-148, Kenneth Pacera of Allentown, New Jersey is hereby appointed to the office of Tax Assessor for the Borough of Hightstown for a four-year term running from July 1, 2010 through June 30, 2014.
2. A certified copy of this Resolution shall be provided forthwith to the Mercer County Division of Taxation.

**Resolution 2010-145 Adopting the Borough Council Summer Schedule**

Councilmember Sikorski moved resolution 2010-154, Councilmember Quattrone seconded.

There was brief discussion.

Roll Call Vote: Council members Bond, Sikorski and Theokas voted yes; Councilmembers McGinty and Quattrone voted no.

Resolution adopted 3-2.

**Resolution 2010-145**

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

**ESTABLISHING A SUMMER MEETING SCHEDULE FOR THE BOROUGH COUNCIL**

**WHEREAS**, resolution 2010-08 adopted on January 1, 2010 established the meeting schedule of Borough Council for the year 2010; and

**WHEREAS**, it is the desire of the Mayor and Borough Council to revert to a summer meeting schedule for the months of July and August containing one meeting per month.

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council of Hightstown Borough that the official meeting schedule for the Hightstown Borough Council during the months of July and August will be Monday, July 19, 2010 and Monday, August 16, 2010 with both meetings beginning at 7:30pm.

**Resolution 2010-146 Authorizing the Mayor to Execute a Settlement and General Release Agreement with Ronald Aponte**

Council President Quattrone moved resolution 2010-146, Councilmember Sikorski seconded.

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

Resolution adopted 5-0.

**Resolution 2010-146**

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

**AUTHORIZING THE MAYOR TO EXECUTE A SETTLEMENT AND GENERAL RELEASE AGREEMENT WITH RONALD APONTE.**

**WHEREAS**, the Borough filed certain charges (hereinafter "the charges") against Aponte on March 9, 2010; and

**WHEREAS**, the parties having discussed the matter and wishing to amicably settle the charges and all other matters related to Aponte's employment in order to avoid the time, expense and inconvenience attendant upon continuation of the matter and without admission of liability or wrongdoing.

**WHEREAS**, the Borough and Aponte have reached accord on a form of agreement.

June 7, 2010

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

1. The Mayor is authorized to execute the Settlement and General Release Agreement on behalf of the Borough and the Clerk is authorized to attest.
2. An authorized copy of this resolution be delivered to Scott Krasny, Esq. and Richard J. Shaklee, Esq.

The Mayor then opened the floor for Public Comment Period II, The following individuals spoke during the public comment period: Eugene Sarafin, 628 S. Main Street; Robert Thibault, 504 S. Main Street; David Bell, 114 First Avenue; Gail Kelly, 121 Second Avenue.

#### **Council Comments**

**Council President Quattrone** – commented that Public Works has been very busy and seriously short-handed; he also stated that he is very disappointed in the vote for the EMS agreement. He then informed the public that he was the Chairperson for the Memorial Day Parade and that he had told the Unidad group what was permitted during the parade and they had agreed, however they did not abide by the agreement; therefore, they have been told that they are not welcome to participate in the future.

**Councilmember Bond** – stated that the water main extension project is moving along and the contractor is doing a good job. He also reminded the public to vote in the primary election.

**Councilmember McGinty** – commented on the following categories: Borough Ordinance Working Group meetings; enforcement issues raised by residents; littering of Trenton Times flyers on Borough streets; subcommittee (Theokas, Musing and McGinty) has performed its duties to select special labor counsel to work with the separate police subcommittee (Quattrone, Sikorski and Bond); the need for openness and transparency re Council's involvement in the school budget review

**Councilmember Theokas** – stated that the EDC meeting was cancelled due to the lack of a quorum and that union contract negotiations are ongoing. He reminded the public to vote.

**Mayor Patten** – commented that he was appalled at the behavior of the Unidad group at the Memorial day Parade and that the speaker from their float was not a Hightstown resident. They obviously did not understand what Memorial Day is about and they abused their First Amendment Right. He also informed the public that Code Enforcement is working very hard and must follow a process, all Departments are doing the best they can. He suggested that instead of complaining about violations, residents should knock on their neighbor's door and offer their assistance; it appears the residents are forgetting how to be good neighbors. Mayor Patten then added that the flower baskets are very nice and reminded the residents about the Garden Tour and PAWS Walk.

Council President Quattrone moved to adjourn the meeting at 8:45pm and Councilmember Sikorski seconded; the Motion was approved unanimously.

Respectfully Submitted,

Debra L. Sopronyi

Borough Clerk

June 7, 2010