

Meeting Minutes
Hightstown Borough Council
Regular Meeting
December 6, 2010 6:00 pm

The meeting was called to order by Council President Quattrone at 6:03 pm and he read the Open Public Meetings Act statement which stated, "Adequate notice of this meeting has been given in accordance with the Open Public Meetings Act, pursuant to Public Law 1975, Chapter 231. Said notice was 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 Gilmartin</i>	✓	
<i>Councilmember McGinty</i>	✓	
<i>Councilmember Musing</i>	✓	
<i>Councilmember Quattrone</i>	✓	
<i>Councilmember Sikorski</i>	✓	
<i>Mayor Patten</i>		✓

Also in attendance: Debra Sopronyi, Borough Clerk; Herbert Massa, Borough Administrator; Frederick Raffetto, Borough Attorney; and Richard Shaklee, Labor Counsel.

Resolution 2010-278 Executive Session

Mr. Massa requested that the Personnel issues be removed from resolution 2010-278 and the Borough Attorney requested that Attorney-Client Privilege be added to the resolution.

Council President Quattrone moved resolution 2010-278 as amended, Councilmember Sikorski seconded.

Roll Call Vote: Council members Gilmartin, McGinty, Musing, Quattrone and Sikorski yes.

Resolution adopted, 5-0

Resolution 2010-278

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 December 6, 2010 at approximately 6:00 pm 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:

Litigation Update

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: March 6, 2011, 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.

December 6, 2010

Council re-convened into open session at 7:23 pm. Mr. Shaklee left the meeting at this time.

The meeting was called to order by Council President Quattrone at 7:30 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."

The Flag Salute was followed by Roll call which had remained the same. Mr. William Antonides, Borough Auditor; Mr. George Lang, Chief Financial Officer; and James Eufemia, Police Chief, joined the meeting.

Councilmember McGinty requested that discussion regarding the Memorial Parking Lot be held before the Engineer's Items and that the minutes be carried to the next meeting.

Council President Quattrone motioned to accept the agenda as amended, Councilmember Sikorski seconded. All approved.

Councilmember McGinty opened discussion regarding the previous potential opening of the Memorial Parking Lot during the Thanksgiving weekend while there was ongoing construction, and the lack of consult with the Borough Attorney prior to a decision being made on the matter. There was discussion.

Resolution 2010-279 Amending Resolution 2010-193

Councilmember Sikorski moved resolution 2010-279, Councilmember Gilmartin seconded.

The Borough Clerk gave a review.

Roll Call Vote: Council members Gilmartin, McGinty, Musing, Quattrone and Sikorski yes.

Resolution adopted, 5-0.

Resolution 2010-279

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

AMENDING RESOLUTION 2010-193

WHEREAS, on September 7, 2010, the Borough Council awarded a contract for the Memorial Park Improvements Project to Gres Paving Company of Hamilton, New Jersey in the amount of \$320,968.95; and,

WHEREAS, the resolution reads that there were fourteen (14) bids received on August 20, 2010; and,

WHEREAS, there were actually fourteen (14) specifications purchased and there were seven (7) bids received on August 20, 2010; and,

WHEREAS, it is required that the resolution be amended to correct said error.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that resolution 2010-193 is hereby amended to read that seven (7) bids were received.

Resolution 2010-280 Authorizing the Release of a Performance Bond – Empire Antiques

Councilmember Musing recused himself from vote and discussion on this resolution.

Councilmember Sikorski moved resolution 2010-280, Councilmember Gilmartin seconded.

The Borough Clerk gave a review.

Roll Call Vote: Council members Gilmartin, McGinty, Quattrone and Sikorski yes; Councilmember Musing was recused.

Resolution adopted, 4-0.

Resolution 2010-280

BOROUGH OF HIGHTSTOWN

*COUNTY OF MERCER
STATE OF NEW JERSEY*

**AUTHORIZING RELEASE OF PERFORMANCE GUARANTEE AND ESCROW FUNDS – EMPIRE
ANTIQUES**

WHEREAS, in September 2000, Empire Antiques posted a performance guarantee with the Borough of Hightstown in the amount of \$150,459.84 along with escrow monies relative to site improvements; and

WHEREAS, Empire Antiques has requested the release of said performance bond and escrow fees; and

WHEREAS, the Borough Engineer has inspected the project and has recommended the release of the performance bond, subject to submission of maintenance bond in the amount of \$15,045.98 to be valid through September 30, 2011 and payment of all outstanding fees and accounts; and

WHEREAS, the Borough Engineer authorizes the release of escrow funds with the exception of \$400.00 to be retained by the Borough to cover inspection at the time of the release of the maintenance bond, subject to payment of all outstanding fees and accounts.

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

1. The Clerk is authorized and directed to release to Empire Antiques the performance bond held relative to the Planning Board application as detailed herein.
2. The Treasurer is authorized and directed to release to Empire Antiques amounts remaining in the escrow account for this project less \$400.00 to be retained for final inspection prior to release of the required maintenance bond. Said release of escrow funds is subject to certifications from the Borough's professionals that all amounts due to them for this project have been fully paid.
3. A certified copy of this Resolution shall be provided to the following:
 - a. Empire Antiques
 - b. Arlene O'Rourke, Treasurer
 - c. Susan Jackson, Planning Board Secretary
 - d. Carmela Roberts, Borough Engineer
 - f. Gary Rosensweig, Planning Board Attorney

Councilmember Musing returned to the dais.

Resolution 2010-281 Authorizing Payment #1 – Gres Paving Co. (Memorial Park Improvements)

Councilmember Sikorski moved resolution 2010-281, Councilmember Musing seconded.

Roll Call Vote: Council members Gilmartin, McGinty, Musing, Quattrone and Sikorski yes.

Resolution adopted, 5-0.

Resolution 2010-281

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

**AUTHORIZING PAYMENT #1 – GRES PAVING COMPANY
(MEMORIAL PARK IMPROVEMENTS)**

WHEREAS, on September 7, 2010, the Borough Council awarded a contract for the Memorial Park Improvements Project to Gres Paving Company of Hamilton, New Jersey in the amount of \$320,968.95; and,

WHEREAS, the contractor has submitted Payment Request #1 for work done in the total amount of \$120,374.82; and,

WHEREAS, the Borough Engineer has recommended approval of this payment request, all required certified payrolls have been received; 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 the Payment Request for Gres Paving Company of Hamilton, New Jersey in the amount of \$\$120,374.82, as detailed herein, is hereby approved, and the Treasurer is authorized to issue same.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Treasurer and Contract file.

Resolution 2010-282 Authorizing the Release of Escrow – Michael’s Plaza

Councilmember Sikorski moved resolution 2010-281, Councilmember Gilmartin seconded.

Roll Call Vote: Council members Gilmartin, McGinty, Musing, Quattrone and Sikorski yes.

Resolution adopted, 5-0.

Resolution 2010-282

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

**AUTHORIZING RELEASE OF FUNDS REMAINING IN ESCROW –
BOBBIE INTERNATIONAL**

WHEREAS, Bobbie International posted funds in escrow with the Borough relative to Block 61.01, Lots 41 & 42, Mercer Street, Michael’s Plaza; and

WHEREAS the work is now complete, and the Borough Engineer has recommended release of all remaining escrow held by the Borough on her behalf;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Treasurer is hereby authorized and directed to return to Bobbie International any and all funds remaining in the escrow account as detailed herein subject to payment of any outstanding fees.

The Mayor opened Public Comment Period I and the following individuals spoke during the period: Dr. David Abalos, 30 Shadowstone Lane, East Windsor; Roberta Cass, 151 Maxwell Avenue; Paul Byrne, 320 Stockton Street; J. P. Gibbons, 602 N. Main Street; Guillermo Saquicela, 79 Twin River Drive North, East Windsor; Eugene Sarafin, 628 S. Main Street; Rob Thibault, 504 S. Main Street; and Jose Leon, 403 Killington Drive, East Windsor.

Ordinance 2010-19 – Introduction and First Reading – To Establish Salary Ranges for Certain Officers and Employees of the Borough of Hightstown

Councilmember Sikorski moved ordinance 2010-19, Councilmember Gilmartin seconded.

There was discussion.

Councilmember McGinty moved that this ordinance be postponed until the new Governing Body is in office in January, for their determination at that time as to whether to proceed on this ordinance in this form. Councilmember Gilmartin seconded.

There was further discussion.

Roll Call Vote: Council members Gilmartin, McGinty, Musing, Quattrone and Sikorski yes.

Ordinance postponed, 5-0.

Resolution 2010-283 Authorizing a Transfer in the 2010 Budget

Councilmember Sikorski moved resolution 2010-283, Council President Quattrone seconded.

Mr. Lang, Chief Financial Officer, gave an explanation and there was discussion.

Roll Call Vote: Council members Gilmartin, McGinty, Musing, Quattrone and Sikorski yes.

Resolution adopted, 5-0.

Resolution 2010-283

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

AUTHORIZING A TRANSFER OF FUNDS IN THE 2010 BUDGET

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the following transfers in the 2010 budget are hereby authorized:

Current:	<u>From</u>	<u>To</u>
Municipal Clerk		
Salaries		\$ 13,330.00
Financial Administration		
Salaries	\$ 3,730.00	
Municipal Court		
Salaries	\$ 29,000.00	
Legal Services and Costs		
Other Expense	\$ 9,600.00	
Police Department		
Salaries		\$ 29,000.00
Fire Department		
Other Expense	\$ 2,000.00	
Street & Road Maintenance		
Other Expense	\$ 1,000.00	

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Public Buildings and Grounds

Other Expense	\$	1,000.00
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Gasoline

Other Expense	\$	2,000.00
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TOTALS	\$	45,330.00	\$	45,330.00
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Resolution 2010-284 Authorizing the Payment of Bills

Councilmember Sikorski moved resolution 2010-284, Councilmember Gilmartin seconded.

Roll Call Vote: Council members Gilmartin, McGinty, Musing, Quattrone and Sikorski yes.

Resolution adopted, 5-0.

Resolution 2010-284

*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 \$363,720.56 from the following accounts

Current	\$ 99,919.74
W/S Operating	36,748.27
General Capital	145,264.82
W/S Capital	70,285.00
Grant	6,165.80
Trust	5,089.33
Housing Trust	-
Animal Control	80.60
Law Enforcement Trust	-
Unemployment Trust	-

Escrow

167.00

Total

\$363,720.56

Resolution 2010-285 Resolution of Compliance Regarding the 2009 Audit

Councilmember Sikorski moved resolution 2010-285, Councilmember Gilmartin seconded.

Mr. William Antonides, Borough Auditor, gave a review and there was discussion.

Roll Call Vote: Council members Gilmartin, McGinty, Musing, Quattrone and Sikorski yes.

Resolution adopted, 5-0.

Resolution 2010-285

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

RESOLUTION OF COMPLIANCE REGARDING THE 2009 AUDIT

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2009 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of *N.J.S. 40A:5-6*, and a copy has been received by each member of the governing body; and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, at a minimum, the sections of the audit entitled:

General Comments

Recommendations

; and

WHEREAS, the members of the governing body have personally reviewed at a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

**General Comments
Recommendations**

as evidenced by the group affidavit form of the governing body; and

WHEREAS, such resolution of certification shall be adopted by the governing body no later than forty-five (45) days after receipt of the annual audit, as per the regulations of the Local Finance Board; and

WHEREAS, all members of the governing body have received and have familiarized themselves with at least the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid, and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 - to wit:

R.S. 52:27BB-52 - A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the Director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE, BE IT RESOLVED that the governing body of the Borough of Hightstown hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance Councilmember McGinty requested that all of the resolutions be voted individually, all agreed.

Resolution 2010-286 Authorizing Payment for Settlement - Baylor

Councilmember Sikorski moved resolution 2010-286, Councilmember Musing seconded.

The Borough Administrator gave a review and there was discussion.

Roll Call Vote: Council members Gilmartin, McGinty, Musing, Quattrone and Sikorski yes.

Resolution adopted, 5-0.

Resolution 2010-286

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

RESOLUTION OF THE BOROUGH OF HIGHTSTOWN AUTHORIZING SETTLEMENT OF CERTAIN LITIGATION KNOWN AS "LEONA BAYLOR VS. BOROUGH OF HIGHTSTOWN, NEW JERSEY."

WHEREAS, certain litigation was filed before the Superior Court of New Jersey, Law Division, Mercer County, entitled Leona Baylor vs. Borough of Hightstown, New Jersey, bearing Docket No. MER-L-588-10; and

WHEREAS, the litigation was initiated by the former Deputy Borough Clerk, seeking to be compensated for unpaid wages and/or overtime to which she claimed an entitlement under the Fair Labor Standards Act of 1938 as a result of her former employment with the Borough; and

WHEREAS, the Borough has been represented in the matter by Marc D. Mory, Esq. of the firm of Dvorak & Associates, LLC, as appointed through the Borough's insurance carrier (the "MEL/JIF"); and

WHEREAS, the Borough and the Plaintiff have reached an amicable conclusion to the litigation; and

WHEREAS, in connection with the settlement, the Plaintiff shall be paid the sum of Fourteen Thousand Dollars (\$14,000.00), consisting of Nine Thousand Two Hundred Dollars (\$9,200.00) to be paid by the Borough and Four Thousand Eight Hundred Dollars (\$4,800.00) to be paid by the MEL/JIF; and

WHEREAS, in return, the Plaintiff shall execute (through her counsel) a Stipulation of Dismissal with Prejudice and a Limited Release, the language of which shall be acceptable to the Borough's counsel; and

WHEREAS, the settlement does not constitute an admission of liability by the Borough, and is being considered solely to avoid future costs and uncertainty associated with this matter; and

WHEREAS, the Hightstown Borough Council believes that it is in the best interests of the Borough to resolve this case in accordance with the terms and conditions referenced above.

NOW, THEREFORE, BE IT 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 Borough hereby authorizes settlement of the matter known as Leona Baylor vs. Borough of Hightstown, New Jersey, bearing Docket No. MER-L-588-10, in accordance with the terms and conditions set forth above.

2. That the appropriate Borough officials, including Marc D. Mory, Esq., are hereby authorized and directed to execute all necessary documents, including a Stipulation of Dismissal with Prejudice, and to undertake all necessary actions in order to effectuate the intentions of this Resolution.

3. That a certified copy of this Resolution shall be provided to each of the following:

a. Frederick C. Raffetto, Esquire, Borough Attorney

- b. Marc D. Mory, Esq., Appointed Counsel for the Borough
- c. Richard J. Shaklee, Esquire, Borough Labor Attorney
- d. Herbert Massa, Borough Administrator

Resolution 2010-287 Authorizing the Renewal of Codification Services Contract

Councilmember Sikorski moved resolution 2010-287, Councilmember Musing seconded.

The Borough Clerk gave a review and there was discussion. Councilmember Gilmartin moved that the resolution be amended to read that the agreement be effective through March of 2011, Councilmember Sikorski seconded.

Roll Call Vote: Council members Gilmartin, McGinty, Musing, Quattrone and Sikorski yes.

Resolution adopted, 5-0.

Resolution 2010-287

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

AUTHORIZING AN AGREEMENT FOR CODIFICATION SERVICES

WHEREAS, in 2009 the Borough of Hightstown entered into an agreement with Candace Gallagher of Jerome, Arizona for Municipal Code Services; and

WHEREAS, said contract expired on September 18, 2010; and

WHEREAS, the Borough Clerk has recommended that said agreement be renewed through March 31, 2011; and

WHEREAS, the rate for Municipal Code Services will remain the same as in the previous agreement, \$200.00 (flat rate) per month

WHEREAS, it is the intention of the Mayor and Council to provide sufficient funding for this expenditure in the 2011 budget;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the agreement with Candace Gallagher of Jerome Arizona is hereby approved and the Mayor and Clerk are hereby authorized to execute same. Implementation of this agreement is subject to appropriation of sufficient funds in the 2011 budget.

Resolution 2010-288 Naming a Qualified Purchasing Agent and Increasing the Bid Threshold

Councilmember Sikorski moved resolution 2010-288, Council President Quattrone seconded.

The Borough Clerk gave an explanation and there was discussion.

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

Resolution adopted, 5-0.

Resolution 2010-288

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

APPOINTING A QUALIFIED PURCHASING AGENT AND INCREASING THE BID THRESHOLD

WHEREAS, the recent changes to the Local Public Contracts Law gave local contracting units the ability to increase their bid threshold; the amount of which shall not exceed the statutory maximum bid threshold; and

WHEREAS, N.J.S.A. 40A:11-3a permits an increase in the bid threshold if a Qualified Purchasing Agent is appointed as well as granted the authorization to negotiate and award such contracts below the bid threshold; and

WHEREAS, N.J.A.C. 5:34-5 et seq. establishes the criteria for qualifying a Qualified Purchasing Agent and,

WHEREAS, Debra L. Sopronyi possesses the designation of Qualified Purchasing Agent as issued by the Director of the Division of Local Government Services in accordance with N.J.A.C. 5:34-5 et seq.; and

WHEREAS, Hightstown Borough desires to take advantage of the increased bid threshold; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Borough Council of the Borough of Hightstown, hereby appoints Debra L. Sopronyi as the Qualified Purchasing Agent to exercise the duties of a purchasing agent pursuant to N.J.S.A. 40A:11- 2(30), with specific relevance to the authority, responsibility, and accountability of the purchasing activity of the contracting unit; and increases its bid threshold, the amount of which shall not exceed the statutory maximum bid threshold; and

BE IT FURTHER RESOLVED, that in accordance with N.J.A.C. 5:34-5.2 the Borough Clerk is hereby authorized and directed to forward a certified copy of this resolution and a copy of Debra L. Sopronyi's certification to the Director of the Division of Local Government Services.

Resolution 2010-289 Authorizing the Submission of the NJDEP 2011 Recreational Trails Program Grant Application

Councilmember Sikorski moved resolution 2010-289, Council President Quattrone seconded.

Beverly Asselstine, a member of the Parks and Recreation Commission, gave a review on behalf of the Commission. There was discussion.

Roll Call Vote: Council members Gilmartin, McGinty, Musing, Quattrone and Sikorski yes.

Resolution adopted, 5-0.

Resolution 2010-289

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

**APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT
WITH THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION –
DIVISION OF PARKS & FORESTRY, OFFICE OF NATURAL LANDS MANAGEMENT FOR
THE 2011 RECREATIONAL TRAILS PROGRAM FOR THE ROCKY BROOK PARK
RESTORATION PROJECT**

NOW, THEREFORE, BE IT RESOLVED, that the Council of the Borough of Hightstown formally approves the grant application for the 2011 Recreational Trails Program Grant.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application for the 2011 Recreational Trails Program Grant to the New Jersey Department of Environmental Protection, Division of Parks and Forestry, Office of Natural Lands Management for the Rocky Brook Park Restoration Project on behalf of Hightstown Borough.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of Hightstown Borough and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Resolution 2010-290 Authorizing the Submission of the Green Communities 2011 Grant Application

Councilmember Sikorski moved resolution 2010-290, Councilmember Musing seconded.

The Borough Administrator gave a review.

Roll Call Vote: Council members Gilmartin, McGinty, Musing, Quattrone and Sikorski yes.

Resolution adopted, 5-0.

Resolution 2010-290

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

**APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT
WITH THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION –
DIVISION OF PARKS & FORESTRY FOR THE GREEN COMMUNITIES 2011 GRANT**

NOW, THEREFORE, BE IT RESOLVED, that the Council of the Borough of Hightstown formally approves the grant application for the Green Communities 2011 Grant.

BE IT FURTHER RESOLVED that the Mayor and Shade Tree Official are hereby authorized to submit a grant application for the Green Communities 2011 Grant to the New Jersey Department of Environmental Protection, Division of Parks and Forestry on behalf of Hightstown Borough.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of Hightstown Borough and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Resolution 2010-291 Authorizing a Shared Services Agreement for Interlocal Health Services – West Windsor Township

Councilmember Sikorski moved resolution 2010-291, Councilmember Gilmartin seconded.

Councilmember Gilmartin gave a review.

Roll Call Vote: Council members Gilmartin, McGinty, Musing, Quattrone and Sikorski yes.

Resolution adopted, 5-0.

Resolution 2010-291

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

**AUTHORIZING A SHARED SERVICES AGREEMENT WITH WEST WINDSOR TOWNSHIP
FOR HEALTH SERVICES**

WHEREAS since 2001, the Borough has participated in a Shared Services Agreement with West Windsor Township for the provision of Health Services, for which the current agreement will expire on December 31, 2010; and

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40:65-1 et seq. authorizes the approval of Shared Services Agreements by Resolution; and

WHEREAS the Board of Health has recommended that the Borough enter into a succeeding interlocal agreement with West Windsor for these services for the year 2011 ending December 31, 2011; and

WHEREAS the Borough's net cost for 2011 under this agreement is \$25,896.00; and

WHEREAS it is the intention of the Mayor and Council to provide sufficient funding for this expenditure in the 2011 budget;

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

1. The Shared Services Agreement with the Township of West Windsor for Health Services for the period January 1, 2011 through December 31, 2011, is hereby approved, and the Mayor and Clerk are authorized to execute same.

2. Approval of this agreement is subject to appropriation of sufficient funds in the budgets of 2011.

Resolution 2010-292 Authorizing a Refund for Overpayment of Taxes

Councilmember Sikorski moved resolution 2010-292, Councilmember Musing seconded.

Roll Call Vote: Council members Gilmartin, McGinty, Musing, Quattrone and Sikorski yes.

Resolution adopted, 5-0.

Resolution 2010-292

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

AUTHORIZING REFUND FOR OVERPAYMENT OF TAXES

WHEREAS, a double payment was made by two mortgage companies for fourth quarter 2010 property taxes for Block 62, Lot 36 in the Borough of Hightstown; and

WHEREAS, the property owners, James E. and Joan P. Mulcahey of 1 Spruce Court, has requested that a refund be issued to them for the overpayment in the amount of \$2,692.67; and

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Tax Collector and Treasurer are hereby authorized to issue a refund in the amount of \$2,692.67 to James E. and Joan P. Mulcahey of 1 Spruce Court, representing their tax overpayment as set forth herein.

Resolution 2010-293 Communities of Light Day

Councilmember Sikorski moved resolution 2010-293, Councilmember Gilmartin seconded.

Roll Call Vote: Council members Gilmartin, McGinty, Musing, Quattrone and Sikorski yes.

Resolution adopted, 5-0.

Resolution 2010-293

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

RECOGNIZING COMMUNITY OF LIGHT DAY

WHEREAS, it is the policy of Hightstown Borough to recognize organization that have contributed to the overall benefit of the community; and

WHEREAS, Womanspace, founded in 1977, has demonstrated a unique ability to provide comfort, support services, crisis intervention and safety to women who are victims of sexual assault and domestic violence; and

WHEREAS, Womanspace, in the belief that "peace begins at home" has asked the Mercer County Community to join them in their struggle against violence toward women by participating in their Annual Community of Light Project; and,

WHEREAS, Womanspace has provided emergency shelter in secure locations and comprehensive services for victims of domestic violence since 1977 and sexual assault since 2002, for more than 39,169 women, 5,383 children and 1,016 men. Womanspace has assisted more than 204,015 callers over the last 30 years; and,

WHEREAS, Hightstown Borough applauds the efforts of Womanspace to bring an end to the circle of abuse imposed on women; and,

WHEREAS it is the desire of the Mayor and Council to urge that each and every household demonstrate their support of the concept that "peace begins at home" by placing luminaries along their driveways and sidewalks on December 13, 2010; and,

WHEREAS, the proceeds from Communities of Light 2009 will be used to fund vital services for victims of domestic violence and sexual assault.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that December 13, 2009 be proclaimed as Community of Light Day and hereby commend Womanspace on its accomplishments and wish them continued success.

Resolution 2010-294 Authorizing an Amendment to the Agreement for Professional Legal Services – Ansel Grimm & Aaron

Councilmember Sikorski moved resolution 2010-294, Councilmember McGinty seconded.

The Borough Attorney gave an explanation of the need for the resolution and there was discussion.

Roll Call Vote: Council members Gilmartin, McGinty, Musing, Quattrone and Sikorski yes.

Resolution adopted, 5-0.

Resolution 2010-294

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

AUTHORIZING AN AMENDMENT TO THE AGREEMENT FOR PROFESSIONAL LEGAL SERVICES – FREDERICK RAFFETTO OF ANSELL GRIMM & AARON

WHEREAS, Resolution 2010-29 authorized an agreement for professional legal services for 2010 pertaining to general municipal, water and sewer, redevelopment and litigation/union matters; and

WHEREAS, this agreement was not to exceed \$50,000.00 without further authorization from Council; and,

WHEREAS, it has been found that additional funds in the amount of \$15,000.00 will be necessary to complete the services required under the 2010 agreement; 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 agreement with Frederick C. Raffetto, Esq., of the firm Ansell Grimm & Aaron, 1500 Lawrence Avenue, Ocean, New Jersey be amended to not exceed \$65,000.00.

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be forwarded to Ansell Grimm & Aaron, the Treasurer and contract file.

The Borough Clerk gave an update on the number of applications picked up for 2011 taxi licenses and the Borough Administrator gave a review of the process. There was discussion regarding the process for approval of Taxi licenses in the Borough.

Councilmember Musing gave a review of staffing and zoning issues; Mr. Massa gave an update on Code Enforcement and there was discussion.

The Mayor then opened Public Comment Period II. The following residents spoke during the public comment period: Phyllis Deal, 305 Stockton Street; Eugene Sarafin, 628 N. Main Street; and Rob Thibault, 504 S. Main Street.

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

Council/Mayor/Administrative Comments

Councilmember Gilmartin – referenced an article in the media regarding legislation that would require private schools paying taxes for property in which their staff reside and suggested Hightstown Borough do a resolution in support of the legislation. She also commented regarding oversight for LOSAP.

Councilmember McGinty – commented regarding taxi stands; use of the meeting room for private organizations; and having the public comment period earlier in the meeting.

Councilmember Sikorski – encouraged the 2011 Council to consider the article for which Councilmember Gilmartin spoke and remarked that he was offended by comments made regarding pushing business on the agenda to the incoming Council.

Councilmember Musing – stated that the reason for pushing business into 2011 was not to offend anyone, but to give the new Council the opportunity to weigh in on the matters.

Council President Quattrone – supported Councilmember Gilmartin’s resolution suggestion. He also commented regarding the work previously done by committees for taxi licensing. He thanked Mr. Massa for the Code Enforcement report and reminded the public that the First Aid is in need of volunteers. Council President Quattrone also remarked that the Stockton Street and Memorial Park projects are moving along well.

Borough Administrator Massa – commented that State Law requires a 1.5% deduction for all health benefits including those enrolled in the New Jersey State Health Benefits Plan.

Borough Attorney – commented that he has a conflict for the December 20, 2010 meeting, but will send a colleague to cover the meeting.

Borough Clerk Sopronyi – made an announcement about the Sharing & Caring Tree in the lobby of the Borough Hall and stated that the AA use of the meeting room was established prior to her employment with the Borough.

Borough Administrator Massa – suggested that Council may want to adopt an ordinance implementing a policy for use of the meeting room by outside organizations.

Councilmember Sikorski moved to adjourn the meeting at 10:40 pm and Councilmember Gilmartin seconded; the Motion was approved unanimously.

Respectfully Submitted,

Debra L. Sopronyi

Borough Clerk