

Meeting Minutes
Hightstown Borough Council
Regular Meeting – Hightstown Engine Co. #1
May 3, 2010 7:30 pm

The meeting was called to order by Mayor Robert Patten at 6:30 pm at the Ely House 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

	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; Frederick Raffetto, Borough Attorney; Carmela Roberts, Borough Engineer; James Eufemia, Chief of Police; and George Lang, CFO.

Resolution 2010-104 Authorizing a Meeting Which Excludes the Public

Council President Quattrone moved resolution 2010-104, Council member Sikorski seconded.

Councilmembers Bond, McGinty, Musing, Quattrone, Sikorski and Theokas voted yes.

Resolution 2010-104 approved 6 – 0.

Resolution 2010-104

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 May 3, 2010 at approximately 6:30 p.m. at the Ely House 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:

Anticipated Litigation – in the matter of Officer Ronald Aponte

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: August 3, 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 adjourned into executive session at 6:30 pm.

Council re-convened into public session at 7:25 pm and Council moved to the Firehouse for the general meeting.

The meeting was called to order by Mayor Robert Patten at 7:37 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 remained the same.

Council President Quattrone requested that the agenda be amended to move discussion on First Aid Services to follow the presentation on the subject and Councilmember Bond requested that discussion, and possible action regarding the need for a Sewer Plant PILOT, be added prior to the first public comment period. Council President Quattrone moved the agenda as amended, Councilmember Sikorski seconded; all approved.

Presentation on First Aid Services

Present for this discussion was Curtis Crowell, Captain of Hightstown First Aid; Charlie Smith, President of Cranbury First Aid; and John Archer, from Robbinsville. Council President Quattrone reviewed the information distributed pertaining to the proposals received from Robbinsville, Cranbury and East Windsor for First Aid Services; and reminded Council that he had recommended that Cranbury be given the agreement at \$32,500.00. There was a question and answer period with the Representatives and it was disclosed that both Cranbury and Robbinsville would soft bill the residents of Hightstown for services performed. Discussion continued regarding mutual aid agreements and the fact that the Hightstown First Aid is now using pagers to try to cover more calls.

Council President Quattrone thanked the representatives for coming and Council requested copies of all three agreements. It was decided that the agreements would be reviewed by Council members and a decision on the service would be made at the May 17th meeting.

Resolution 2010-105 Authorizing Payment #4 to B & B Construction – Peddie Lake Dam

The Borough Engineer gave a review of this resolution and recommended that payment be made. The Borough Attorney requested that the resolution be amended to include a clause requiring the submission of a Business REGistration Certificate for the subcontractor prior to payment being made.

Council President Quattrone moved resolution 2010-105 as amended for adoption, Councilmember Sikorski seconded.

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

Resolution Adopted, 6-0

Resolution 2010-105

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

AUTHORIZING PAYMENT NO. 4 – B & B CONSTRUCTION, CO., LLC (PEDDIE LAKE DAM IMPROVEMENTS)

WHEREAS, on August 3, 2009, the Borough Council awarded a contract for Peddie Lake Dam improvements to B & B Construction Co., LLC of Howell, New Jersey in the amount of One Hundred Forty-Three Thousand Dollars (\$143,000.00); and,

WHEREAS, the contractor has submitted Payment Request No. 4 for work done in the total amount of \$16,464.00; and,

WHEREAS, the contractor has requested that \$16,250.00 of this payment be made payable directly to Digital Control Company, 4260 114th Terrace North, Clearwater Florida 33762, a subcontractor on the project; and,

WHEREAS, the balance of \$214.00 of this payment shall be made directly to B & B Construction; and,

WHEREAS, it is required that vendors paid by the Borough have a New Jersey State Business Registration and one will be

required from Digital Control Company prior to any payment being made directly to them; and,

WHEREAS the Borough Engineer has recommended approval of this payment request, subject to receipt of all required certified payrolls;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that Payment Request No. 4 from B & B Construction Co., LLC of Howell, New Jersey in the amount of \$16,464.00, as detailed herein, is hereby approved, and the Treasurer is authorized to issue same, subject to receipt of all required certified payrolls and the required New Jersey State Business Registration from Digital Control Company.

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

Ordinance 2010-08 Public Hearing and Final Reading: An Ordinance 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.

Councilmember McGinty informed Council that there were still some issues with this ordinance and the Planning Board is going to revisit this ordinance; it will come back to Council at a future date.

Councilmember McGinty moved to postpone the Public Hearing and Final Reading of ordinance 2010-08, Council President Quattrone seconded.

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

Ordinance introduction postponed, 6-0

Ordinance 2010-10 Introduction and First Reading: An Ordinance Amending Section 19-2.7(a) of the Revised General Ordinances of the Borough of Hightstown Regarding Water and Sewer Connection Fees

The Borough Engineer gave a review of the ordinance.

Council President Quattrone moved ordinance 2010-10 for introduction, Councilmember Sikorski seconded.

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

Ordinance introduced, 6-0. The public hearing will be held on May 17th.

Ordinance 2010-10

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

**AMENDING SECTION 19-2.7(a) OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF
HIGHTSTOWN REGARDING WATER AND SEWER CONNECTION FEES**

WHEREAS, municipalities in the State of New Jersey are authorized to collect certain charges in the nature of “connection fees” from all users of water and sewer services within the municipality, with such fees being payable at the time of connection to such services, pursuant to N.J.S.A. 40A:26A-11 and N.J.S.A. 40A:31-11; and

WHEREAS, such authorization permits municipalities to collect amounts which represent a fair payment per unit toward the cost(s) associated with the water and sewer systems as paid by the municipality through the end of the preceding fiscal year; and

WHEREAS, the formula(s) for calculating such connection fees are established and set forth by statute and administrative regulation; and

Section 1: Purpose

This ordinance requires dumpsters and other refuse containers that are outdoors or exposed to stormwater to be covered at all times and prohibits the spilling, dumping, leaking, or otherwise discharge of liquids, semi-liquids or solids from the containers to the municipal separate storm sewer system(s) operated by the Borough of Hightstown and/or the waters of the State so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

Section 2: Definitions

For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

- a. Municipal separate storm sewer system (MS4) – a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by Hightstown Borough or other public body, and is designed and used for collecting and conveying stormwater.
- b. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- c. Refuse container – any waste container that a person controls whether owned, leased, or operated, including dumpsters, trash cans, garbage pails, and plastic trash bags.
- d. Stormwater – means water resulting from precipitation (including rain and snow) that runs off the land’s surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.
- e. Waters of the State – means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

Section 3: Applicability

Any person who controls, whether owned, leased, or operated, a refuse container or dumpster must ensure that such container or dumpster is covered at all times and shall prevent refuse from spilling out or overflowing.

Any person who owns, leases or otherwise uses a refuse container or dumpster must ensure that such container or dumpster does not leak or otherwise discharge liquids, semi-liquids or solids to the municipal separate storm sewer system(s) operated by the Borough of Hightstown.

Section 4: Exceptions

- a. Permitted temporary demolition containers
- b. Litter receptacles (other than dumpsters or other bulk containers)
- c. Individual homeowner trash and recycling containers
- d. Refuse containers at facilities authorized to discharge stormwater under a valid NJPDES permit
- e. Large bulky items (e.g., furniture, bound carpet and padding, white goods placed curbside for pickup)

Section 5: Enforcement and Penalties

1. This ordinance shall be enforced by the Stormwater Management Coordinator and/or Superintendent of the Department of Public Works and/or their designee of the Borough of Hightstown.
2. Any person who is found to be in violation of this ordinance shall be subject to penalties as stated in Chapter 1, Section 5 of the Revised General Ordinances of the Borough of Hightstown.

General Provisions

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

This ordinance shall be incorporated into Chapter 25 “Stormwater Control” of the Revised General Ordinances of the Borough of Hightstown.

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

Discussion ensued regarding well #3 PILOT Study being required by DEP before the well can be put into operation. The Borough Engineer then went on to review the process for this requirement. There was discussion regarding the cost of \$19,240.00. It was decided that a resolution would be added to the budget meeting scheduled for next week.

Councilmember Bond requested that resolution 2010-122 be added to this meeting so they could move forward with the study, Councilmember Theokas seconded.

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

Resolution 2010-122 was defeated.

Resolution 2010-122

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

AWARDING CONTRACT FOR ALUMINUM REMOVAL PILOT SERVICES

WHEREAS, The New Jersey Department of Environmental Protection requires that Hightstown Borough perform a pilot study for aluminum in the water supply; and,

WHEREAS, the Borough Engineer has solicited quotes for a aluminum removal pilot services to evaluate aluminum in the water supply for the Water Plant in Hightstown Borough; and

WHEREAS, of the six vendors contacted, only Blueleaf Incorporated of Charlton, MA was the only company that would issue a quote for these services in the amount of \$19,240.00; and

WHEREAS, the Engineer has reviewed the quote received and has determined that the specifications in the quote submitted will meet the requirements of NJDEP to perform the pilot study; 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 Blueleaf Incorporated of Charlton, MA be retained to perform the aluminum removal pilot services as required by NJDEP in the amount of \$19,240.00, provided they submit the New Jersey Business Registration Certificate as required.

The Mayor then opened the Police/Court Shared Services Study public comment period.

Police/Court Shared Services Study Public Comment Period

George Serrano– voiced concern regarding police coverage at his buildings in the Westerlea Apartment complex.

Frank Rivera – commented that this is not a contest between East Windsor and Hightstown, but a budget issue. He thanked Council for listening to all sides and he would be grateful if Council would move forward with an agreement.

Mike Sochacki – spoke representing the Housing Authority tenants stating that safety is an issue at the Authority and that the police are needed to keep tensions in check.

Torry Watkins– commended Council for putting resolution 2010-106 on the agenda. He stated that this is a positive step and needs to be done for the future of Hightstown Borough.

Rob Thibault – commented that the tax burden on Hightstown residents has doubled over the last ten years. He reviewed salaries and raises, and their affect on residents.

Crystal Smith – reviewed her experiences with the police and stated that there is a significant need for Hightstown to keep them.

Herbert Smith – voiced his concern with response time if we do not have our own police force and stated that he supports retaining the Hightstown Borough Police.

John Archer – stated that this is about Hightstown Borough and the small town feel, not just money.

Paul Byrne – commented that it appears Council is for a merger with East Windsor, but he inquired about the Quality of Life for the residents of Hightstown. He continued by encouraging Council to review the budget cut proposal the Chief offered at the budget meeting and residents could see actual savings.

Bill Gilmore – as the Chairperson of the EDC, he applauded Council's decision to move forward. He added that this is a management issue and Hightstown Borough will remain a small town.

Jim Metz (PBA Attorney) – suggested that public safety would suffer if this contract is put in place. He proceeded to give details of the East Windsor Police Department history regarding the number of officers and what would be required to cover Hightstown sufficiently.

Dave Bell – expressed that he is concerned for the safety of his family and that the residents should be able to vote on this matter.

Valerie Hudson – stated that she moved here from Harlem and is familiar with the ghettos; the police have cleaned up the projects. She suggested Council find another way to cut the budget.

Scott Caster – commented that this would not be a merger or shared service; we would be contracting with East Windsor for police and court services. He suggested that East Windsor be approached to assist with school policing, saving some of that expense for Hightstown.

Lynne Woods – expressed concern for what will happen when it comes time to renew this contract; East Windsor is having their own budget issues right now and they may be looking to Hightstown to be their quick fix. She suggested that discussion with the police regarding their budget and contract proposals be left open.

Frank Marcione – stated that if Council is moving forward with negotiations with East Windsor, everything should be out in the open. This should be presented to the people for a vote.

Selena Bibens – suggested that Council should find the money elsewhere and there should be a referendum on the ballot to let the people vote on this important matter.

Shelley Leggett – is concerned about the police losing their jobs and the lack of knowledge that East Windsor police have about Hightstown. She suggested that Council put the matter to a vote of the people.

Chief James Eufemia – said that the study data has changed and Council should evaluate the current numbers thoroughly, letting the public know the results.

The Mayor closed the public comment period on the Police/Court Study.

The Mayor opened Public Comment Period I

The following residents spoke during this public comment period:

Janice Mastriano, 15 Leshin Lane; Rob Thibault, 504 S. Main St.; Gene Serafin, 628 S. Main St.; George Bibens, 140 South St.; Torry Watkins, 68 Meadow Drive; James Metz, BPA Attorney; David Bell, 114 First Ave.; Lynne Woods, 315 Park Ave.; Janice Mastriano, 15 Leshin Lane; Mark Madonia, 224 Sunset Ave.; Scott Caster, 12 Clover Lane; Bill Lecorchick, 236 Sunset Ave.; Bill Gilmore, 219 Greeley St.; George Serrano, 14 Westerlea Ave.

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

Resolution 2010-97 Appointing a Commissioner to the Hightstown Housing Authority – Esther Velazques

Council President Quattrone moved resolution 2010-97 for adoption, Councilmember Theokas seconded.

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

Resolution Adopted, 6-0

Resolution 2010-97

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

APPOINTING A COMMISSIONER TO THE HIGHTSTOWN BOROUGH HOUSING

AUTHORITY – ESTHER VELAZQUEZ

WHEREAS, Due to the resignation of Ernest J. Thompson on December 31, 2009, the Hightstown Housing Authority has a vacancy for an unexpired term ending an December 31, 2011; and

WHEREAS, Esther Velazquez has agreed to assume this position.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Hightstown, that Esther Velazquez is hereby appointed as Commissioner to the Hightstown Housing Authority for the vacant unexpired term ending December 31, 2011.

Resolution 2010-106 Authorizing Negotiations with East Windsor Township and the Hiring of Special Labor Counsel in Regards to the Police and Court Shared Services Study

Councilmember Theokas moved Resolution 2010-106, there was no second. This resolution is dead.

Councilmember McGinty suggested several changes be made to the resolution and it be re-introduced as resolution 2010-123.

Resolution 2010-106

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

**AUTHORIZING NEGOTIATIONS WITH EAST WINDSOR TOWNSHIP AND THE HIRING
OF SPECIAL LABOR COUNSEL IN REGARDS TO THE POLICE AND COURT SHARED
SERVICES STUDY**

WHEREAS, the Borough of Hightstown, herein referred to as the Borough and Township of East Windsor, herein referred to as the Township have undergone a consultant procurement process for the purpose of selecting consulting firm to conduct a feasibility study for the Borough to contract for Court and Police Services; and,

WHEREAS, the Borough and Township contracted with the Patriot Consulting Group to undertake a detailed study, conduct a financial analysis and report to both the Borough and Township Governing Bodies, and the full cost of the report was paid for by a New Jersey Shared Services Grant; and,

WHEREAS, the Patriot Consulting Group did undertake its contractual obligations with the premise that there would be Clear Financial Benefits, Clear Operational Benefits and Good Government achieved by both the Borough and the Township; and,

WHEREAS, the Borough and the Township maintained committees consisting of members of the Governing Body to periodically meet and review information with the Patriot Group; and,

WHEREAS, the Patriot Consulting Group presented the findings of its report to the Borough and Township in March 2010, recommending the Court operations of each municipality be merged as a joint Court and this merger would be implemented through a formal long term services agreement between the Borough and Township; and,

WHEREAS, the Patriot Consulting Group presented the findings of its report to the Borough and Township in March 2010, recommending that the Borough retain the Township to provide all law enforcement services to the Borough through a long term service agreement; and,

WHEREAS, the Patriot Consulting Group determined that by undertaking these recommendations to share the Court and Police services it would produce an estimated savings by the Borough in the amount of \$801,962.00 and this amount would represent a substantial tax savings to Borough taxpayers; and,

WHEREAS, the Borough is interested in pursuing said tax savings; and,

WHEREAS, the Borough has determined that the services of a Special Labor Counsel should be retained to assist in this matter; and,

NOW THEREFORE BE IT RESOLVED that the Borough Council hereby appoints two (2) of its members to serve with
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the Mayor on a negotiating committee to meet with the Township for the purpose of developing a contract to implement the recommendations as described in the above referenced Police and Court Shared Services Study. The Borough Council also authorizes the appointment of a Special Labor Council to assist this committee.

Councilmember Theokas moved Resolution 2010-106, there was no second. This resolution is dead.

Councilmember McGinty suggested several changes be made to the resolution and it be re-introduced as resolution 2010-123.

Resolution 2010-123

Councilmember McGinty moved resolution 2010-123 for adoption, Council President Quattrone seconded.

Council then gave their comments regarding this resolution:

Councilmember McGinty explained that the purpose of this resolution is to move forward and find out what the steps of implementation are, not get rid of the police.

Council President Quattrone commented that he seconded it for the same reason, we need to know the process and numbers before voting.

Councilmember Sikorski agreed with Councilmember McGinty, this study is a blueprint. The resolution only sets a course and there will be many obstacles ahead. This needs to be pursued before any decisions can be made.

Councilmember Musing reminded the public that it is the Council's duty to examine the study further. Hightstown Borough is not sustainable and it makes sense to outsource; this is phase one of consolidation.

Councilmember Theokas echoed Councilmember McGinty's comments; he favored police consolidation three years ago, this study just supports it.

Councilmember Bond stated that he believes the numbers are based on 2009 figures, which are a public record; the study does not contain all amounts so the savings could even be more. Hightstown covers the school policing and if East Windsor takes over police services, they would need to cover the schools. We have a \$600,000.00 deficit in the budget due to reduced State Aid and increasing health benefits costs; we need to reduce our overhead.

Councilmember McGinty commented that she heard many safety concerns from the public, but both Hightstown and East Windsor Police Departments are very professional. People are leaving Hightstown because they cannot afford to live here anymore. Moving forward would not get rid of police coverage; East Windsor would have to provide the same or better coverage. Due diligence is to evaluate implementation of the recommendations in the study as the next step. There were also comments regarding putting a referendum on the ballot, but this is an administrative issue.

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

Resolution Adopted, 6-0

Resolution 2010-123

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

AUTHORIZING NEGOTIATIONS WITH EAST WINDSOR TOWNSHIP AND THE HIRING OF SPECIAL LABOR COUNSEL IN REGARDS TO THE POLICE AND COURT SHARED SERVICES STUDY

WHEREAS, the Borough of Hightstown, herein referred to as the Borough and Township of East Windsor, herein referred to as the Township have undergone a consultant procurement process for the purpose of selecting consulting firm to conduct a feasibility study for the Borough to contract for Court and Police Services; and,

WHEREAS, the Borough and Township contracted with the Patriot Consulting Group to undertake a detailed study, conduct a financial analysis and report to both the Borough and Township Governing Bodies, and the full cost of the report was paid for by a New Jersey Shared Services Grant; and,

WHEREAS, the Patriot Consulting Group did undertake its contractual obligations with the premise that there would be Clear Financial Benefits, Clear Operational Benefits and Good Government achieved by both the Borough and the Township; and,

WHEREAS, the Borough and the Township maintained committees consisting of members of the Governing Body to periodically meet and review information with the Patriot Group; and,

WHEREAS, the Patriot Consulting Group presented the findings of its report to the Borough and Township in March 2010, recommending the Court operations of each municipality be merged as a joint Court and this merger would be implemented through a formal long term services agreement between the Borough and Township; and,

WHEREAS, the Patriot Consulting Group presented the findings of its report to the Borough and Township in March 2010, recommending that the Borough retain the Township to provide all law enforcement services to the Borough through a long term service agreement; and,

WHEREAS, the Patriot Consulting Group determined that by undertaking these recommendations to share the Court and Police services it would produce an estimated savings by the Borough in the amount of \$801,962.00 and this amount would represent a substantial tax savings to Borough taxpayers; and,

WHEREAS, the Borough is interested in pursuing said tax savings; and,

WHEREAS, the Borough has determined that the services of a Special Labor Counsel should be retained to assist in this matter; and,

NOW THEREFORE BE IT RESOLVED that the Borough Council hereby appoints Council President Lawrence Quattrone and Councilmembers Walter Sikorski and Jeffrey Bond to serve on a negotiating committee to meet with the Township for the purpose of developing a contract to implement the recommendations as described in the above referenced Police and Court Shared Services Study. The Borough Council also authorizes the appointment of a Special Labor Council to assist this committee.

Resolution 2010-107 Authorizing the Payment of Bills

Council President Quattrone moved resolution 2010-36, Council member Sikorski seconded.

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

Resolution adopted 6-0.

Resolution 2010-107

*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 \$ 1,494,423.29 from the following accounts

Current	\$	1,416,001.75
W/S Operating		41,516.36
General Capital		9,115.00
W/S Capital		1,627.50
Grant		600.00
Trust		20,811.77
Animal Control		145.80
Unemployment		4,605.11
Total	\$	1,494,423.29

Resolution 2010-108 Authorizing Temporary Emergency Appropriations Prior to the Adoption of the 2010 Budget

Council President Quattrone moved resolution 2010-108, Council member Sikorski seconded.

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

Resolution adopted 6-0.

Resolution 2010-108

*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>THIS RESOLUTION</i>	<i>PREVIOUS TOTAL</i>	<i>CUMULATIVE TOTAL</i>
Current	234,040.00	1,339,330.00	1,573,370.00
Capital Outlay – Current	0.00	0.00	0.00
Debt Service - Current	0.00	0.00	0.00
Water/Sewer	20,865.00	645,869.00	666,734.00
Capital Outlay – W/S	0.00	0.00	0.00
Debt Service - W/S	0.00	0.00	0.00
TOTAL	254,905.00	1,985,199.00	2,240,104.00

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 2010-109 Authorizing an Increase in the Budget Line Item for Planning Board Legal Services – Archer & Greiner

Council President Quattrone moved resolution 2010-108, Council member Sikorski seconded.

Councilmember Bond inquired who was authorizing the Planning Board Attorney to work on projects. Steve Misiura, Planning Board Chairperson, responded that some of the items that come before Council are included in the Planning Board budget. Mr. Massa gave a 2009 cost comparison and discussion ensued.

Councilmember McGinty motioned that this resolution be tabled until the next meeting, pending receipt of more information, Councilmember Musing seconded.

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

Resolution tabled 6-0.

Resolution 2010-110 Authorizing the Advertisement for Bids for the Lease of Space on the Cranbury Station Road Tower and the Ground Adjacent Thereto

Council President Quattrone moved resolution 2010-36, Council member Sikorski seconded.

The Borough Attorney explained the need for the resolution and bid.

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

Resolution adopted 6-0.

Resolution 2010-110

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

AUTHORIZING RECEIPT OF BIDS FOR THE LEASE OF SPACE ON THE CRANBURY STATION ROAD WATER TOWER AND THE LAND ADJACENT THERETO

BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Purchasing Agent is hereby authorized to prepare specifications and advertise for bids for the lease of space on the Cranbury Station Road water tower and the land adjacent thereto, and that the Borough is authorized to receive same after proper advertisement.

Resolution 2010-111 Authorizing an Agreement for Acceptance and Processing of Septic Waste Water, Gray Water and/or Fats and Grease – American By Product Recyclers, LLC

Council President Quattrone moved resolution 2010-111, Council member Sikorski seconded.

Councilmember Bond gave a review of the resolution.

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

Resolution adopted 6-0.

Resolution 2010-111

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

AUTHORIZING AGREEMENT FOR ACCEPTANCE AND PROCESSING OF SEPTIC WASTE WATER, GRAY WATER AND/OR FATS AND GREASE – AMERICAN BY

PRODUCTS, LLC

WHEREAS, American By Products, LLC of Morristown, New Jersey has requested the use of the Borough of Hightstown Advanced Wastewater Treatment Plant for delivery of septic waste water, gray water and/or fats and grease; and,

WHEREAS, their request has been reviewed and approved by the Superintendent of the Advanced Wastewater Treatment Plant, and they have submitted a signed agreement along with the required Certificate of Insurance;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the agreement with American By Products, LLC for acceptance and processing of septic waste water, gray water and/or fats and grease is hereby approved, and the Mayor and Borough Clerk are authorized to execute same.

Resolution 2010-112 Authorizing an Agreement Pursuant to Condominium Services Act - Enchantment

Council President Quattrone moved resolution 2010-96, Council member Sikorski seconded.

George Lang, Chief Financial Officer, explained the Condominium Services Act and the Borough's requirements.

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

Resolution adopted 6-0.

Resolution 2010-112

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

AUTHORIZING AN AGREEMENT PURSUANT TO THE CONDOMINIUM SERVICES ACT – ENCHANTMENT CONDOMINIUM ASSOCIATION

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

1. The Mayor and Clerk are authorized and directed to enter into an agreement with Enchantment Condominium Association with respect to reimbursement in lieu of various municipal services.
2. A copy of this resolution and the agreement shall be kept on file in the office of the Borough Clerk.

Resolution 2010-113, 2010-114, 2010-115 and 2010-116 Authorizing and Denying Various Taxi Licenses

Council President Quattrone moved resolution 2010-113 for adoption, Councilmember McGinty requested that resolutions 2010-113, 2010-114, 2010-115 and 2010-116 be passed as a consent agenda as she has received the paperwork she requested in this matter.

Councilmember Theokas moved the consent agenda consisting of resolutions 2010-113, 2010-114, 2010-115 and 2010-116, Councilmember Sikorski seconded.

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

Resolutions adopted 6-0.

Resolution 2010-113

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

AUTHORIZING ISSUANCE OF TAXI OWNER'S LICENSE – PEPITO TAXI, LLC

WHEREAS in accordance with Section 4-21.4 of the *Revised General Ordinances of the Borough of Hightstown*, applications for a taxicab owner's license for 2010 has been submitted by Jose Leon (Pepito Taxi, LLC) for the following vehicles:

Vehicle Description	VIN #
2002 Chevrolet Venture Mini Van Plate # OXZ6800	1GNDX13E72D209880
2003 Dodge Grand Caravan Mini Van Plate # OXZ6601	2D4GP44L93R300638
2003 Dodge Grand Caravan Mini Van Plate # OXZ6602	2D4GP44343R149952
2003 Chrysler Town & Country Mini Van Plate # OXZ6603	2C4GP24333R250546

together with payment of the required fees; and

WHEREAS the application has been reviewed by the Hightstown Police Department and the company found to be in good standing to be approved by the Borough Council to operate within this jurisdiction.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Police Department is hereby authorized to issue a 2010 taxicab owner's license to Pepito Taxi, LLC, 510 Route 130, Suite B-2B, East Windsor, New Jersey for four vehicles as set forth herein.

Resolution 2010-114

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

AUTHORIZING ISSUANCE OF TAXI DRIVER'S LICENSES – PEPITO TAXI, LLC

WHEREAS in accordance with Section 4-21.5 of the *Revised General Ordinances of the Borough of Hightstown*, applications for taxicab driver's licenses for 2010 have been submitted by the following drivers for Pepito Taxi, LLC:

Jose Leon

Laura Chimbo

Galo Mantilla

Edgar Chicaiza

together with payment of the required fees; and

WHEREAS the applications have been reviewed by the Hightstown Police Department and the drivers found to be in good standing to be approved by the Borough Council to operate within this jurisdiction.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Police Department is hereby authorized to issue 2010 taxicab driver's licenses to Jose Leon, Laura Chimbo, Galo Mantilla and Edgar Chicaiza as set forth herein.

Resolution 2010-115

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

DENYING A TAXI DRIVER'S LICENSE – CARLOS R. TINIZHANAY

WHEREAS, Carlos R. Tinizhanay, of Jamesburg New Jersey has applied for a Taxi Driver's License to operate within the borders of Hightstown Borough; and

WHEREAS, the Police Department has reviewed said application and found that this applicant is not suited to operate a taxi based on the Borough Ordinance due to four (4) convictions for driving while intoxicated, three (3) convictions for unlicensed driving and driving privileges under an alias are currently suspended by the State of New Jersey; and,

WHEREAS, the Police Department has recommended the denial of said Taxi Driver's License on the basis of their findings.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Hightstown, that the Taxi Driver's License application submitted by Carlos R. Tinizhanay, of Jamesburg New Jersey is hereby denied.

Resolution 2010-116

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

DENYING A TAXI DRIVER'S LICENSE – MILTON O. DAVALOS

WHEREAS, Milton O. Davalos, of Cranbury New Jersey has applied for a Taxi Driver's License to operate within the borders of Hightstown Borough; and

WHEREAS, the Police Department has reviewed said application and found that this applicant falsified his application by stating that his driver's license has never been suspended when it had been suspended by the State of New Jersey in 2008 for being an uninsured motorist; and,

WHEREAS, the Police Department has recommended the denial of said Taxi Driver's License on the basis of their findings.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Hightstown, that the Taxi Driver's License application submitted by Milton O. Davalos, of Cranbury New Jersey New Jersey is hereby denied.

Resolution 2010-117 Authorizing an Amendment to Raffle License RL-213 – Highstown Engine Co. #1 Ladies Auxiliary

Council President Quattrone moved resolution 2010-117, Council member Sikorski seconded.

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

Resolution adopted 6-0.

Resolution 2010-117

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

**AUTHORIZING ISSUANCE OF AN AMENDMENT TO RAFFLE LICENSE #RL-213 FOR THE
HIGHTSTOWN ENGINE CO. #1 LADIES AUXILIARY**

WHEREAS, the Hightstown Engine Co. #1 Ladies Auxiliary was issued raffle license RL-213 to hold on-premise raffles at 140 North Main Street, on January 23, April 24, July 24 and October 23, 2010 pursuant to resolution 2009-292; and

WHEREAS, the group has submitted an application to amend the April 24, 2010 raffle date to May 15, 2010 on this raffle license; and

WHEREAS, the Borough Clerk has reviewed the amendment application and has determined that the requirements of the amendment to the original application 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 an amendment to Raffle License No. RL-213 issued to Hightstown Engine Co. #1 Ladies Auxiliary for their

raffles to be held on January 23, May 15, July 24 and October 23, 2010.

Resolution 2010-118 Encouraging the Immediate Restoration of All Energy Tax Receipt Funding

Council President Quattrone moved resolution 2010-118, Council member Sikorski seconded.

Councilmember Bond gave a review of the resolution.

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

Resolution adopted 6-0.

Resolution 2010-118

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

**ENCOURAGING THE IMMEDIATE RESTORATION OF ALL ENERGY TAX RECEIPT
FUNDING**

WHEREAS, the Energy Tax Receipts Property Tax Relief program is the direct descendant of the Public Utility Gross Receipts and Franchise Tax (PU-GRAFT), which was a tax on regulated public utilities originally assessed and collected at the municipal level; and

WHEREAS, in the early 1980's, when at the request and for the convenience of the taxpaying utilities, the State became the collection agent for this assessment, the law that effected this change promised that the proceeds would be distributed back to the municipalities which provide services to utility facilities and are the source of the utility profits; and

WHEREAS, the State of New Jersey never honored that commitment, immediately diverting large and growing portions of the proceeds to its own general fund; and

WHEREAS, modernization and deregulation led to a major State 'reform' of utility taxes in the mid-1990's, which legislation validated and, supposedly capped the State's annual skim, and which included a 'poison pill', requiring the State to annually increase the municipal distribution of Energy Tax proceeds or to risk the forfeiture of the State's authority to collect the tax; and

WHEREAS, in the late 1990's, a State law was passed requiring the Energy Tax distributions to be annually increased by the rate of inflation; and

WHEREAS, as State budget-makers viewed this situation, the problem was not how to comply with this requirement, but rather how State officials might evade compliance; and

WHEREAS, in order for the State to increase Energy Tax distributions by the rate of inflation for five straight years without providing municipalities with one new dollar in property tax relief, State officials reduced the CPMTRA distribution by the same amount that it increased the Energy Tax distribution; and

WHEREAS, in 2010, the Governor proposes withholding the municipal Energy Tax Receipts and reducing CMPTRA aid.

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

1. The Governor, State Legislative leadership and all members of the State Senate and Assembly should immediately restore in full all Energy Tax Receipt funding; thereby, respecting and affirming the historic and fiduciary obligation as collector of former municipal revenues;
2. The Municipal Clerk is hereby authorized and directed to provide a certified copy of this Resolution to Governor Chris Christie; copies to New Jersey Senate President Stephen Sweeney; New Jersey Senate Minority Leader Thomas Kean, Jr.; New Jersey Assembly Speaker Sheila Oliver; New Jersey Assembly Minority Leader Alex

DeCroce; New Jersey State Legislators of the 12th District; mayors located in the surrounding communities and the New Jersey State League of Municipalities.

Resolution 2010-119 Appointing a Plumbing Inspector - George Chin

Council President Quattrone moved resolution 2010-119, Council member Sikorski seconded.

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

Resolution adopted 6-0.

Resolution 2010-119

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

APPOINTING A PLUMBING INSPECTOR – GEORGE CHIN

WHEREAS, there is a need for Hightstown Borough to appoint a Plumbing Inspector to cover such services should the currently appointed Plumbing Inspector not be available; and

WHEREAS, George Chin, Construction Official for the Borough has acquired his Plumbing License (HHS License #9638); and,

WHEREAS, the Council finds it in the best interested of the Borough of Hightstown to appoint George Chin to this position; and,

WHEREAS, there will be no additional compensation for Mr. Chin's duties in this position..

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Hightstown, that George Chin is hereby appointed as a Plumbing Inspector for the Borough of Hightstown effective immediately.

Resolution 2010-120 Waiving Temporary Food Licenses Permit Fees for the Hightstown Farmers Market

Council President Quattrone moved resolution 2010-120, Council member Sikorski seconded.

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

Resolution adopted 6-0.

Resolution 2010-120

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

WAIVING TEMPORARY FOOD LICENSE PERMIT FEES FOR THE HIGHTSTOWN FARMERS MARKET

WHEREAS, Hightstown Borough sponsors a Farmers Market every Friday June through September; and

WHEREAS, it has been the practice of the Borough to waive the Temporary Food License fees for the participating vendors of this event; and

WHEREAS, all other requirements for the issuance of the Temporary Food Licenses for this event shall remain in effect and required of all vendors; and,

WHEREAS, the Borough Council of Hightstown finds that the fees required for the Temporary Food Licenses shall be waived for this event; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Hightstown, that the Temporary Food License fees for the participating vendors of the Hightstown Borough sponsored Farmers Market to be held

every Friday June through September shall be waived, but all other requirements associated with the issuance of said license shall be applicable.

Resolution 2010-121 Authorizing the Rights-of-Way Use Agreement Between Cablevision-Lightpath – New Jersey, Inc. and the Borough of Hightstown

Council President Quattrone moved resolution 2010-121, Council member Sikorski seconded.

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

Resolution adopted 6-0.

Resolution 2010-121

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

ACCEPTING THE RIGHTS-OF-WAY USE AGREEMENT BETWEEN

CABLEVISION LIGHTPATH – NJ, INC. AND THE BOROUGH OF HIGHTSTOWN

WHEREAS, Cablevision Lightpath – NJ, Inc. was approved by the New Jersey Board of Public Utilities to provide local exchange and interexchange telecommunications services throughout the State of New Jersey by Order of Approval in Docket No. TE97120883 on December 5, 1997 and intends to provide telecommunications services in accordance with that Order and the rules and regulations of the Federal Communications Commission and the New Jersey Board of Public Utilities;

WHEREAS, 4Connections LLC, a subsidiary company of Cablevision Lightpath – NJ, Inc. was approved by the New Jersey Board of Public Utilities to provide local exchange and interexchange telecommunications services throughout the State of New Jersey by Order of Approval in Docket No. TE02010035 on November 5, 2003 and intends to provide telecommunications services in accordance with that Order and the rules and regulations of the Federal Communications Commission and the New Jersey Board of Public Utilities;

WHEREAS, the Mayor and Council of the Borough of Hightstown have determined that it is in the best interest of Hightstown to enter into a Rights-of-Way Use Agreement with Cablevision Lightpath – NJ, Inc. and its subsidiary 4Connections LLC;

WHEREAS, the service to be provided by Cablevision Lightpath – NJ, Inc. and its subsidiary 4Connections LLC to the Borough of Hightstown is detailed in the attached agreement.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Hightstown that the Mayor and Clerk of the Borough of Hightstown are hereby authorized to execute a Rights-of-Way Use Agreement with Cablevision Lightpath – NJ, Inc. and its subsidiary 4Connections LLC.

The Mayor then opened the floor for Public Comment Period II

Public Comment Period II

The following residents commented:

Eugene Serafin, 628 S. Main St.; Paul Byrnes, 320 Stockton St.; Torry Watkins, 68 Meadow Drive; John Archer, 131 Bennett Place; Scott Caster, 12 Clover Lane.

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

Discussion

Mr. Massa gave an update on the defeated school budget and informed Council that Mayor Mironov and Councilmember Sikorski are working on putting dates together for the joint meeting. The Borough Clerk informed Council that the deadline for the resolutions to be to the State Board of Education is May 19, 2010.

Council Comments

Councilmember Theokas – stated that it is good to be back and thanked everyone for their good wishes.

Due to the late hour, the remainder of Council declined comment.

Council President Quattrone moved that this meeting be adjourned at 11:25pm and Councilmember Sikorski seconded. The motion to adjourn was accepted unanimously.

Respectfully Submitted,

Debra L. Sopronyi

Borough Clerk