

**Meeting Minutes**  
**Hightstown Borough Council**  
**Regular Meeting**  
**July 19, 2010 6:00 pm**

The meeting was called to order by Mayor Patten at 6:00 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, lead by 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; Richard Shaklee, Labor Counsel, Tamara Lee, Borough Planner and Mr. Marc Mory, Attorney for the MEL/JIF.

**Resolution 2010-164 Executive Session**

Council President Quattrone moved resolution 2010-164, Councilmember Sikorski seconded.

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

Resolution adopted, 6-0

Resolution 2010-164

*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 June 21, 2010 at approximately 6:00 p.m. in the Council Chambers that will be limited only to consideration of an item or items with respect to which the public may be excluded pursuant to section 7b of the Open Public Meetings Act.

The general nature of the subject or subjects to be discussed:

Litigation – Minute Maid and Baylor

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: October 19, 2010, or when the need for confidentiality no longer exists.

The public is excluded from said meeting, and further notice is dispensed with, all in accordance with sections 8 and 4a of the Open Public Meetings Act.

Council re-convened into open session.

July 19, 2010

The meeting was called to order by Mayor Patten at 7:30pm and he read the Open Public Meetings Act statement which stated, "Adequate notice of this meeting has been given in accordance with the Open Public Meetings Act, pursuant to Public Law 1975, Chapter 231. Said notice was advertised in the *Trenton Times* and the *Windsor-Hights Herald*, and is posted in the Borough Clerk's office."

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

Council President Quattrone motioned to accept the agenda, Councilmember Sikorski seconded; all approved.

### **Approval of Minutes**

Council President Quattrone moved the minutes of the February 16, 2010 open session meeting, Councilmember Sikorski seconded; all approved. Minutes approved 6-0

Councilmember Sikorski moved the minutes of the February 16, 2010 special session meeting, Councilmember Theokas seconded; Council President Quattrone and Councilmember McGinty abstained, the remainder of Council approved. Minutes approved 4-0

Councilmember Theokas moved the minutes of the February 16, 2010 executive session meeting, Councilmember Sikorski seconded; Council President Quattrone and Councilmember McGinty abstained, the remainder of Council approved. Minutes approved 4-0

Council President Quattrone moved the minutes of the March 1, 2010 open session meeting, Councilmember Sikorski seconded; all approved. Minutes approved 6-0

Councilmember Sikorski moved the minutes of the March 1, 2010 executive session meeting, Council President Quattrone seconded; all approved. Minutes approved 6-0

Council President Quattrone moved the minutes of the March 15, 2010 open session meeting, Councilmember Sikorski seconded; all approved. Minutes approved 6-0

Council President Quattrone moved the minutes of the March 22, 2010 budget session meeting, Councilmember Sikorski seconded; all approved. Minutes approved 6-0

Council President Quattrone moved the minutes of the March 29, 2010 open session meeting, Councilmember Sikorski seconded; Councilmember Theokas abstained, all other Councilmembers approved. Minutes approved 5-0

Council President Quattrone moved the minutes of the March 29, 2010 special session meeting, Councilmember Sikorski seconded; Councilmember Theokas abstained, all other Councilmembers approved. Minutes approved 5-0

Council President Quattrone moved the minutes of the March 29, 2010 executive session meeting, Councilmember Sikorski seconded; Councilmember Theokas abstained, all other Councilmembers approved. Minutes approved 5-0

Council President Quattrone moved the minutes of the April 13, 2010 budget session meeting, Councilmember Sikorski seconded; Councilmember Theokas abstained, all other Councilmembers approved. Minutes approved 5-0

Council President Quattrone moved the minutes of the April 28, 2010 budget session meeting, Councilmember Sikorski seconded; Councilmember Theokas abstained, all other Councilmembers approved. Minutes approved 5-0

Council President Quattrone moved the minutes of the May 11, 2010 school budget session meeting, Councilmember Sikorski seconded; all approved. Minutes approved 6-0

Council President Quattrone moved the minutes of the May 19, 2010 school budget session meeting, Councilmember Sikorski seconded; all approved. Minutes approved 6-0

### **Resolution 2010-165 Authorizing Payment #2 & Change Order #1 – Tomco Construction, Inc. – Water Main Extension Leshin Lane and Mercer Street**

Council President Quattrone moved resolution 2010-165, Councilmember Sikorski seconded.

The Borough Engineer gave an overview of the resolution and there was discussion.

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

Resolution adopted 6-0.

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

**AUTHORIZING PAYMENT #2 & CHANGE ORDER #1 – TOMCO CONSTRUCTION, INC.  
(WATER MAIN EXTENSION LESHIN LANE AND MERCER STREET)**

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

**WHEREAS**, the contractor has submitted Payment Request No. 2 for work done in the total amount of \$376,064.86; and,

**WHEREAS**, the Contractor has requested Change Order #1 in the amount of \$75,054.65 bringing the total amount of the contract to \$1,573,131.65; and,

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

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

**WHEREAS**, the required certified payrolls have been submitted.

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

1. Change Order No. 1 to the contract with Tomco Construction, Inc. of Wharton, New Jersey in the amount of \$75,054.65 is hereby approved, and the Mayor is authorized to execute same.
2. By virtue of the approval of Change Order No. 1, the revised contract price is \$1,573,131.65.
3. Payment Request No. 2 from Tomco Construction, Inc. of Wharton, New Jersey in the amount of \$376,064.86, as detailed herein, is hereby approved, and the Treasurer is authorized to issue same.

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

**Resolution 2010-166 Authorizing an Agreement with the Engineer for Summit Street Sidewalk Improvements**

Council President Quattrone moved resolution 2010-166, Councilmember Sikorski seconded.

The Borough Engineer gave an overview of the resolution and there was discussion.

Councilmember McGinty motioned to carry this resolution to the next meeting, Councilmember Musing seconded.

Roll Call Vote to carry to the next meeting: Council members, McGinty and Sikorski voted yes. Councilmembers Bond, Musing, Quattrone, and Theokas voted no. Motion to carry denied 4-2.

Councilmember Theokas motioned to amend the resolution to add “approval is subject to adoption of a bond ordinance to fund the project”, Councilmember Sikorski seconded.

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

Resolution adopted as amended 6-0.

**AUTHORIZING AN AGREEMENT FOR ENGINEERING SERVICES FOR THE DOT SAFE  
ROUTES TO SCHOOL PROGRAM FOR THE SUMMIT STREET SIDEWALK**

## **IMPROVEMENTS INFRASTRUCTURE PROJECT- ROBERTS ENGINEERING GROUP, LLC**

**WHEREAS**, Hightstown Borough has been selected to receive funding from the Department of Transportation's Safe Routes to School Program for the Summit Street Sidewalk Improvements Infrastructure Project in the amount of \$147,000.00; and

**WHEREAS**, the Borough Engineer, Carmela Roberts of Roberts Engineering Group, LLC has submitted a proposal for Engineering fees in the amount of \$25,000.00 and Construction Administration and Inspection services fees in the amount of \$17,600.00 for this project; and,

**WHEREAS**, the Construction Administration and Inspection service fees are payable from the grant; and,

**WHEREAS**, the Engineer estimates additional permit fees in the amount of \$2,000.00, which are the responsibility of the Borough and not payable through the grant; and,

**WHEREAS**, the Engineering fees in the amount of \$25,000.00 include all engineering services required to comply with all Federal Aid requirements but cannot be paid from the grant and are the responsibility of the Borough; and,

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

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

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Hightstown that the Mayor and Borough Clerk are hereby authorized to execute an agreement with Carmela Roberts of Roberts Engineering Group, LLC in the amount of \$42,600.00 for services associated with the Summit Street Sidewalk Improvements Infrastructure Project after approval from the Borough Attorney and the adoption of a Bond Ordinance for same; \$17,600.00 to be paid from the grant with the Borough being responsible for the Engineering fees in the amount of \$25,000.00 and permit fees.

### **Resolution 2010-167 Awarding a Contract for the Reconstruction of Leshin Lane – Earle Asphalt Company**

Council President Quattrone moved resolution 2010-167, Councilmember Sikorski seconded.

The Borough Engineer gave an overview of the resolution and there was discussion and a correction to the grant amount in the resolution was made; the grant amount is to be revised to read "\$455,000.00".

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

Resolution adopted as corrected 6-0.

#### **Resolution 2010-167**

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

### **AWARDING CONTRACT FOR LESHIN LANE RECONSTRUCTION PROJECT – EARLE ASPHALT COMPANY**

**WHEREAS**, six (6) bids were received on July 13, 2010 for the Leshin Lane Reconstruction project in Hightstown Borough; and,

**WHEREAS**, the bids have been reviewed by the Borough Engineer and it is the Engineer's recommendation that the contract for the Leshin Lane Reconstruction project in Hightstown Borough be awarded to Earle Asphalt of Farmingdale, New Jersey at the price of \$456,113.13; and,

**WHEREAS**, this project is funded by the New Jersey Department of Transportation under a Municipal Aid Grant in the amount of \$455,000.00; and,

**WHEREAS**, the Borough Attorney has reviewed the bid and determined that the bid submitted by Earle Asphalt Company is in order with respect to legal compliance; 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 contract for the Leshin Lane Reconstruction project in Hightstown Borough is hereby awarded to Earle Asphalt of Farmingdale, New Jersey at the price of \$456,113.13.

The Mayor opened the floor for Public Comment Period I. The following individuals spoke during the public comment period: Phyllis Deal, 305 Stockton Street; Rev. Bob Turton, P. O. Box 175 Hightstown; Susan Bluth, 32 Dennis Court; Lynne Woods, 315 Park Avenue; John Archer, 131 Bennett Place; J. P. Gibbons, 602 N. Main Street; Rob Thibault, 504 S. Main Street; Scott Caster, 12 Clover Lane; David Bell, 114 First Avenue; Walt Conner, 9 Spruce Court.

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

**Ordinance 2010-13 First Reading and Introduction: Amending Chapter 15 “Fire Prevention” of the Revised General Ordinances of the Borough of Hightstown**

Council President Quattrone moved for introduction of ordinance 2010-13, Councilmember Theokas seconded.

The Borough Administrator gave an overview of the ordinance and there was discussion.

Councilmember McGinty motioned to carry the introduction of this ordinance to the next meeting so she could have more information on the appeal process, Councilmember Musing seconded.

Roll Call Vote to carry to the next meeting: Councilmembers, McGinty and Musing voted yes; Councilmembers Bond, Musing, Quattrone, and Theokas voted no. Motion to carry denied 4-2.

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

Ordinance Introduced 6-0. The public hearing will be scheduled for August 16, 2010.

Ordinance 2010-13

*BOROUGH OF HIGHTSTOWN*

*COUNTY OF MERCER*

*STATE OF NEW JERSEY*

**AMENDING CHAPTER 15, “FIRE PREVENTION ,” OF THE REVISED GENERAL ORDINANCES OF THE  
BOROUGH OF HIGHTSTOWN**

**WHEREAS**, the State of New Jersey Department of Community Affairs, Division of Fire Safety requires certain revisions to Chapter 15 of the Borough Code; and

**WHEREAS**, the Borough Administrator and Fire Official of Hightstown Borough have 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 15, “Fire Prevention,” is hereby amended as follows (Cross-outs are deletions and underlines are additions):

**Chapter 15**

**FIRE PREVENTION AND PROTECTION**

**Sections:**

<b>15-1</b>	<b>GENERAL PROVISIONS</b>
<b>15-2</b>	<b>ADMINISTRATION AND ENFORCEMENT</b>
<b>15-3</b>	<b>FEES</b>
<b>15-4</b>	<b>INVESTIGATION OF FIRE</b>

July 19, 2010

<b>15-5</b>	<b>INSPECTIONS; ORDERS TO COMPLY</b>
<b>15-6</b>	<b>RECORDS AND REPORTS; AMENDMENTS</b>
<b>15-7</b>	<b>APPLICABILITY; CONSTRUAL OF PROVISIONS; VIOLATIONS AND PENALTIES</b>
<b>15-8</b>	<b>APPEALS</b>
<b>15-9</b>	<b>RESERVED</b>
<b>15-10</b>	<b>FIRE LANES</b>

## **Section 15-1**

### **GENERAL PROVISIONS**

#### **Subsections:**

<b>15-1-1</b>	<b>Objectives.</b>
<b>15-1-2</b>	<b>Enforcement of Uniform Fire Safety Code.</b>
<b>15-1-3</b>	<b>Unlawful Acts.</b>

#### **Subsection 15-1-1 Objectives.**

This chapter shall provide the Borough with rules and regulations to improve public safety by:

- a. Promoting the control of fire hazards.
- b. Regulating the installation, use and maintenance of equipment.
- c. Regulating the use of structures, premises and open areas.
- d. Providing for abatement of fire hazards.
- e. Establishing the responsibilities and procedures for Code enforcement.
- f. Setting forth the standards for compliance and achievement of these objectives. (1991 Code § 97-1)

#### **Subsection 15-1-2 Enforcement of Uniform Fire Safety Code.**

Pursuant to the State Uniform Fire Safety Act, N.J.S. 52:27D-192 et seq., the Fire Prevention Code shall be that Code identified in the New Jersey Administrative Code, including all revisions and amendments promulgated in regulations by the New Jersey Commissioner of Community Affairs, except as herein amended or deleted. Three (3) copies of the Fire Prevention Code are on file in the office of the Borough Clerk and have been plainly marked to indicate amendments and deletions. The Fire Prevention Code prescribes minimum requirements and regulations consistent with nationally recognized good practice for the safeguarding to a reasonable degree of life and property from the hazards of fire and explosion arising from the storage, handling and use of hazardous substances, materials and devices and from conditions hazardous to life or property in the use or occupancy of buildings or premises. (1991 Code § 97-2)

#### **Subsection 15-1-3 Unlawful Acts.**

It shall be unlawful for any person to violate this chapter, to permit or maintain such a violation, to refuse to obey any provision thereof or to fail or refuse to comply with any such provision or regulation except as variation may be allowed by the action of the Fire Official in writing. Proof of such unlawful act or failure shall be deemed prima facie evidence that such act is that of the owner or other person in control of the premises. Prosecution, or lack thereof, of either the owner, occupant or the person in charge shall not be deemed to relieve any of the others. (1991 Code § 97-3; Ord. No. 2001-20)

## **Section 15-2**

### **ADMINISTRATION AND ENFORCEMENT**

#### **Subsections:**

<b>15-2-1</b>	<b>Uniform Fire Safety Act; Fire Prevention Code.</b>
<b>15-2-2</b>	<b>Local Enforcing Agency Designated.</b>
<b>15-2-3</b>	<b>Enforcement; Bureau of Fire Safety.</b>
<b>15-2-4</b>	<b>Fire Official; Fire Inspectors.</b>
<b>15-2-5</b>	<b>Inspections.</b>
<b>15-2-6</b>	<b>Life Hazard Uses.</b>

<b>15-2-7</b>	<b>Other Powers and Duties of Bureau of Fire Safety.</b>
<b>15-2-8</b>	<b>Fire Official to Recommend Additional Regulations.</b>
<b>15-2-9</b>	<b>Administration of Bureau of Fire Safety.</b>
<b>15-2-10</b>	<b>Appointment of Fire Official; Authority; Term of Office.</b>
<b>15-2-11</b>	<b>RESERVED.</b>
<b>15-2-12</b>	<b>Legal Counsel.</b>

**Subsection 15-2-1 Uniform Fire Safety Act; Fire Prevention Code.**

Pursuant to N.J.S. 52:27D-202 of the Uniform Fire Safety Act, the Uniform Fire Code, N.J.A.C. 5:70-1 et seq., and the Fire Prevention Code are hereby adopted and shall be locally enforced throughout the Borough. (1991 Code § 97-4; Ord. No. 2001-20)

**Subsection 15-2-2 Local Enforcing Agency Designated.**

The local enforcing agency shall be the Bureau of Fire Safety. (1991 Code § 97-5)

**Subsection 15-2-3 Enforcement; Bureau of Fire Safety.**

The Fire Official shall be responsible for the enforcement of the Fire Prevention Code of the Borough. To assist in the performance of the responsibilities and duties placed upon the Fire Official, a Bureau of Fire Safety is hereby created consisting of the Fire Official and such other fire inspectors as may be designated as set forth in subsection 15-2.4. (1991 Code § 97-6)

**Subsection 15-2-4 Fire Official; Fire Inspectors.**

a. Fire Official. The Bureau shall operate under the direct supervision and control of the Fire Official. The Fire Official shall be responsible for the direct administration and enforcement of the Fire Prevention Code.

b. Fire Inspectors. Upon recommendation of the Fire Official, the Mayor and Council may designate such number of fire inspectors as shall from time to time be deemed necessary. Such fire inspectors shall be selected through an examination to determine their fitness for the position. (1991 Code § 97-7)

**Subsection 15-2-5 Inspections.**

The Bureau of Fire Safety shall enforce the State Uniform Fire Safety Act and regulations promulgated pursuant thereto and the Fire Prevention Code in all structures and premises, except one (1)-family\* and two (2)-family dwellings, and buildings owned or operated by the Federal government or State and interstate agencies, provided that common areas, storage and mechanical areas and other areas not used as dwellings in multifamily structures shall also be subject to inspection. Inspections shall be made as often as necessary for the purpose of ascertaining and causing to be corrected any conditions liable to cause a fire or any violations of the provisions of the Fire Prevention Code or any other ordinance affecting fire hazards. The Fire Official or other qualified fire inspector shall inspect each structure covered by this section at least annually. (1991 Code § 97-8)

\* **Editor's Note:** See N.J.S. 52:27D-192 et seq.

**Subsection 15-2-6 Life Hazard Uses.**

The Bureau of Fire Safety shall conduct the periodic inspections of life hazard uses required by the Fire Prevention Code on behalf of the New Jersey Commissioner of Community Affairs. (1991 Code § 97-9)

**Subsection 15-2-7 Other Powers and Duties of Bureau of Fire Safety.**

The Bureau of Fire Safety shall have such other powers and perform such other duties as are set forth in other sections of this chapter as may be conferred and imposed from time to time by law. (1991 Code § 97-10)

**Subsection 15-2-8 Fire Official to Recommend Additional Regulations.**

It shall be the duty of the Fire Official to investigate and to recommend to the Borough Council such additional ordinances or amendments to existing ordinances as he may deem necessary for safeguarding life and property against fire. (1991 Code § 97-11)

**Subsection 15-2-9 Administration of Bureau of Fire Safety.**

The Fire Official shall serve as administrator and enforcement officer of the Bureau of Fire Safety and shall report to the Mayor and Council. He shall establish the day-to-day operating routines of the Bureau of Fire Safety and shall coordinate the activities of any technical inspectors. (1991 Code § 97-12)

**Subsection 15-2-10 Appointment of Fire Official; Authority; Term of Office.**

a. The Mayor and Council shall appoint a Fire Official pursuant to the State Uniform Fire Code, N.J.A.C. 5:70-1 et seq.

The Fire Official shall be appointed on the basis of examination or another method selected by the Mayor and Council for determining his qualifications.

b. The Bureau shall be under the direct supervision and control of the Fire Official who shall report to the Mayor and Council. He shall have authority, as may be necessary in the interest of public safety, health and general welfare, to establish rules and regulations, to interpret and enforce the provisions of the Fire Prevention Code and to determine special requirements applicable because of climatic or other conditions, but no such rules shall have the effect of waiving any fire safety requirements specifically provided in the Fire Prevention Code or violating accepted engineering practices involving public safety.

c. The term of office of the Fire official shall be four (4) years. (1991 Code § 97-13; Ord. No. 2001-20)

d. The Fire Official may be removed from office by the Borough Administrator for failing to perform the Fire Official's duties

e. A qualified interim Fire Official may be appointed as needed by the Borough Administrator

**Subsection 15-2-11                      RESERVED.**

(Deleted with Ord. No. 2001-20)

**Subsection 15-2-12                      Legal Counsel.**

The Borough Attorney shall serve as legal counsel to the Bureau of Fire Safety. (1991 Code § 97-15)

**Section 15-3**

**FEES**

**Subsections:**

**15-3-1                      Permits.**

**15-3-2                      Additional Inspections and Permits.**

**Subsection 15-3-1 Permits.**

The fees for permits issued by the Bureau of Fire Safety pursuant to the Fire Prevention Code shall be the same as those established by N.J.A.C. 5:70-2.9(c). (1991 Code § 97-16; Ord. No. 1997-4 § 1; Ord. No. 2001-20)

**Subsection 15-3-2 Additional Inspections and Permits.**

The fees for all other inspections and permits issued by the Bureau of Fire Safety shall be as follows:

- a. Single occupancy under one thousand (1,000) square feet: forty-two (\$42.00) dollars.
- b. Single occupancy one thousand one (1,001) to two thousand (2,000) square feet: seventy-two (\$72.00) dollars.
- c. Single occupancy two thousand one (2,001) to three thousand (3,000) square feet: one hundred and two (\$102.00) dollars.
- d. Single occupancy three thousand one (3,001) to four thousand (4,000) square feet: one hundred and thirty-two (\$132.00) dollars.
- e. An additional twenty-four (\$24.00) dollars for each five thousand (5,000) square feet to a maximum fee of four hundred and fifty (\$450.00) dollars. (1991 Code § 97-17; Ord. No. 1998-12 § 2(A); Ord. No. 2008-09 § 8)

**Section 15-4**

**INVESTIGATION OF FIRE**

**Subsections:**

**15-4-1                      Investigation Required.**

**15-4-2                      Written Reports.**

**Subsection 15-4-1 Investigation Required.**

The Bureau of Fire Safety shall investigate the cause, origin and circumstances of every fire occurring in the Borough by which property has been destroyed or damaged and, so far as possible, shall determine whether the fire is the result of



carelessness or design. Such investigations shall begin immediately upon the occurrence of such a fire. The Fire Official shall:

- a. Take charge immediately of the physical evidence.
- b. Notify the proper authorities designated by law to pursue the investigation of such matters.
- c. Further cooperate with the authorities in the collection of evidence and in the prosecution of the case. (1991 Code § 97-19)

#### **Subsection 15-4-2 Written Reports.**

Every fire shall be reported, in writing, to the Bureau of Fire Safety within five (5) days after the occurrence of the fire by the Fire Department officer in whose jurisdiction such fire has occurred. The report shall be in such form as shall be prescribed by the Fire Official and shall contain a statement of:

- a. All facts relating to the cause and circumstances of such fire.
- b. The extent of the damage thereof.
- c. The insurance upon such property.
- d. Such other information as may be required, including the injury, death or rescue of persons. (1991 Code § 97-20)

### **Section 15-5**

#### **INSPECTIONS; ORDERS TO COMPLY**

##### **Subsections:**

- 15-5-1 Inspection Required Prior to Permit Issuance.**
- 15-5-2 Periodic Inspection of Premises.**
- 15-5-3 Removal of Combustible or Explosive Matter and Obstructions.**
- 15-5-4 Failure to Comply.**
- 15-5-5 Service of Order.**

##### **Subsection 15-5-1 Inspection Required Prior to Permit Issuance.**

Before permits may be issued as required by this chapter, the Fire Official or his assistants shall inspect and approve the receptacles, processes, vehicles, buildings or storage places to be used for any such purposes. (1991 Code § 97-21)

##### **Subsection 15-5-2 Periodic Inspection of Premises.**

The Fire Official shall inspect or cause to be inspected all premises on a periodic basis and shall make such orders as may be necessary for the enforcement of the laws and ordinances governing the same and for the safeguarding of life and property from fire. (1991 Code § 97-22)

##### **Subsection 15-5-3 Removal of Combustible or Explosive Matter and Obstructions.**

Whenever an inspector, as defined in subsection 15-2.4b., shall find in any building or upon any premises or other places combustible or explosive matter, dangerous accumulations of rubbish, unnecessary accumulation of wastepaper, boxes or shavings or any highly flammable materials especially liable to fire situated so as to endanger property or shall find obstructions to or on fire escapes, stairs, passageways, doors or windows liable to interfere with the operations of the Fire Department or egress of occupants in case of fire, he shall order such to be removed or remedied. Such order shall forthwith be complied with by the owner or occupant of such premises or buildings, subject to the appeals procedure provided for in the Fire Prevention Code. (1991 Code § 97-23)

##### **Subsection 15-5-4 Failure to Comply.**

Any owner or occupant failing to comply with such order within a reasonable period after the service of the order shall be liable to penalties as provided in subsections 15-7.2 and 15-7.3. (1991 Code § 97-24)

##### **Subsection 15-5-5 Service of Order.**

The service of any such order may be made upon the occupant of the premises to whom it is directed, either by delivering a copy of the order to such occupant personally or by delivering the order to and leaving it with any person in charge of the premises or, in case no such person is found upon the premises, by affixing a copy thereof in a conspicuous place on the door to the entrance of such premises. Whenever it may be necessary to serve such an order upon the owner of premises, such order may

be served either by delivering to and leaving with the person a copy of the order or, if such owner is absent from the jurisdiction of the officer making the order, by mailing such copy by certified mail to the owner's last known post office address. (1991 Code § 97-25)

## **Section 15-6**

### **RECORDS AND REPORTS; AMENDMENTS**

#### **Subsections:**

- 15-6-1           Records to be Kept.**
- 15-6-2           Annual Report.**
- 15-6-3           Recommendation of Amendments.**

#### **Subsection 15-6-1 Records to be Kept.**

The Fire Official shall compile and keep a record of all fires and of all the facts concerning the fires, including injuries, deaths, rescue of persons and statistics as to the extent of such fires and the damage caused thereby and whether such losses were covered by insurance and, if so, in what amount. Such record shall be made daily from the reports made by the technical inspectors under the provisions of this chapter. All such records shall be public. (1991 Code § 97-26)

#### **Subsection 15-6-2 Annual Report.**

The Fire Official shall make an annual report of the activities of the Bureau of Fire Safety and shall transmit this report to the chief executive officer of the Borough through the Fire Chief. The report shall contain all proceedings under the Fire Prevention Code of the Borough with such statistics as the Fire Chief may wish to include therein. (1991 Code § 97-27)

#### **Subsection 15-6-3 Recommendation of Amendments.**

The Fire Chief or the Fire Official shall also recommend any amendments to the Fire Prevention Code or ordinance which, in his judgment, shall be desirable. (1991 Code § 97-28)

## **Section 15-7**

### **APPLICABILITY; CONSTRUAL OF PROVISIONS; VIOLATIONS AND PENALTIES**

#### **Subsections:**

- 15-7-1           Applicability.**
- 15-7-2           Construal of Provisions.**
- 15-7-3           Violations and Penalties.**
- 15-7-4           Noncompliance After Notice; Permits; False Fire Alarms.**

#### **Subsection 15-7-1 Applicability.**

The provisions of the Fire Prevention Code shall apply equally to both public and private property and shall apply to all structures and their occupancies, except as otherwise specified. (1991 Code § 97-29)

#### **Subsection 15-7-2 Construal of Provisions.**

This chapter shall be deemed an exercise of the police powers of the Borough for the preservation and protection of the public health, peace, safety and welfare, and all the provisions of the Fire Prevention Code shall be liberally construed for that purpose. (1991 Code § 97-30)

#### **Subsection 15-7-3 Violations and Penalties.**

a. Any person who shall violate any of the provisions of the Code hereby adopted or shall fail to comply therewith or shall violate or fail to comply with any order made thereunder or shall build in violation of any details, statements, specifications or plans submitted or approved thereunder or shall operate not in accordance with the provisions of any certificate, permit or approval issued thereunder and from which no appeal has been taken or who shall fail to comply with such an order as affirmed or modified by the Fire Official or by a court of competent jurisdiction within the time fixed herein shall severally, for each and every violation and noncompliance, respectively, upon conviction, be subject to a fine not exceeding five hundred (\$500.00) dollars or imprisonment for a period not exceeding ninety (90) days, or by both such fine and imprisonment. The imposition of a penalty for any violation shall not excuse the violation, nor shall the violation be permitted to continue. All such persons shall be required to correct or remedy such violations or defects within a reasonable time, and when not otherwise specified, the application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

b. Failure to comply with the time limits of an abatement notice or other corrective notice issued by the Fire Official shall result in each day that such violation continues being regarded as a new and separate offense. (1991 Code § 97-31)

#### **Subsection 15-7-4 Noncompliance After Notice; Permits; False Fire Alarms.**

a. Time Limits. Failure to comply with the time limits of an abatement notice or other corrective notice issued by the Fire Official shall be regarded as a new and separate offense each day such violation continues.

b. Permit. Any person who sells, offers for sale, installs, operates, maintains or uses any appliance, device, equipment or system which requires a permit, approval or certificate under the provisions of this Code shall obtain such permit, approval or certificate before conducting any operation covered by the permit, approval or certificate.

c. Fire Alarm. No person shall deliberately or maliciously turn in an alarm of fire when in fact that person knows that no fire exists. No person shall activate any installed fire warning system or any fixed fire extinguishing system for purposes other than emergency, maintenance, drills or prescribed testing. (1991 Code § 97-32)

### **Section 15-8**

#### **APPEALS**

##### **Subsections:**

~~15-8-1 Board of Appeals Established; Membership; Terms of Office.~~

~~15-8-2 Appeals to the Fire Official.~~

~~15-8-3 1 Appeals to the Board of Appeals.~~

~~15-8-4 2 Filing Fee.~~

~~Subsection 15-8-1 Board of Appeals Established; Membership; Terms of Office.~~

~~— A Board of Appeals is hereby established, consisting of three (3) members and two (2) alternate members who shall be appointed by the Mayor and Council and who, by reason of education, experience and knowledge, are deemed to be competent to sit in judgment on matters concerning the Fire Prevention Code of the Borough and its enforcement. The members and alternates shall serve for a term of three (3) years, except for the initial member appointees, who shall serve as follows:~~

~~— a. One (1) for a term of one (1) year.~~

~~— b. One (1) for a term of two (2) years.~~

~~— c. One (1) for a term of three (3) years. (1991 Code § 97-33)~~

~~Subsection 15-8-2 Appeals to the Fire Official.~~

~~— Where any person seeks relief from a decision of a Fire Official enforcing provisions of this Code, including permits, certificates, waivers, alternate materials, alternate methods, approvals or variances or matters of Code interpretations, he may request reconsideration of the Fire Official's decision by appealing, in writing, to the Fire Official within fifteen (15) days of the receipt of the decision, stating the reason he seeks relief and what decision he feels should be forthcoming. The Fire Official shall, within ten (10) days after receiving a copy of the appeal in writing, hold a hearing and decide the question after hearing testimony from all concerned persons. The Fire Official shall render his written decision within five (5) days after the hearing is completed. (1991 Code § 97-34)~~

**Subsection 15-8-3 1 Appeals to the Board of Appeals.**

Any person seeking relief from a decision of the Fire Official regarding provisions of this Code may appeal to the Mercer County Construction Board of Appeals within fifteen (15) days after receipt of a written notice of the Fire Official's decision. Such appeal shall be in writing and directed to the Mercer County Construction Board of Appeals, along with any fee required by the County. A copy of the appeal shall be promptly transmitted to the Fire Official. Upon giving not less than five (5) business days' notice to the persons interested, a hearing shall be held. The Board may, after such hearing, by a majority vote, affirm, annul or modify the action of the Fire Official. The decision of the Board shall be in writing, and a copy shall be mailed to the appellant within seven (7) business days after the conclusion of the hearing. Any decision made shall be final. Further recourse shall be through established legal procedures. (1991 Code § 97-35; Ord. No. 2001-20)

**Subsection 15-8-4 2 Filing Fee.**

A filing fee of twenty-five (\$25.00) dollars shall accompany each notice of appeal to the Board of Appeals. (1991 Code § 97-36)

### **Section 15-9**

**RESERVED**

**Section 15-10**

**FIRE LANES**

**Subsections:**

- 15-10-1 Findings and Purpose.**
- 15-10-2 Parking Prohibited in Fire Lanes; Fire Hydrant Parking Restricted.**
- 15-10-3 Fire Lanes Established.**
- 15-10-4 Installation of Signs; Painting of Lines.**
- 15-10-5 Violations and Penalties.**

**Subsection 15-10-1 Findings and Purpose.**

The Mayor and Council find that the lack of enforceable regulations with regard to parking in fire lanes in parking lots and parking places which are open to the public in the Borough poses a substantial threat to the health, safety and welfare of motorists and pedestrians therein. It is the further purpose of the Mayor and Council, by this section, to establish fire lanes within such areas of the municipality to which the public is invited, to ensure that fire equipment and other emergency vehicles have unobstructed means of ingress, egress and passage along the fire lanes to and through such properties and to fire hydrants in order to aid persons and property in case of fire or other emergency, pursuant to N.J.S. 40:48-2.46, and thereby to promote the public health, safety and welfare. (1991 Code § 214-1; Ord. No. 94-10 § 1)

**Subsection 15-10-2 Parking Prohibited in Fire Lanes; Fire Hydrant Parking Restricted.**

No person shall park, stop or leave standing any vehicle, whether attended or unattended, in any designated fire lane or fire zone or obstruct any designated fire lane or fire zone. No person shall park, stop or leave standing any vehicle, whether attended or unattended, within twenty-five (25) feet of any fire hydrant or other fire department water connection device. (1991 Code § 214-2; Ord. No. 94-10 § 1)

**Subsection 15-10-3 Fire Lanes Established.**

Convenience food market at 315 Mercer Street:

The parking lot area on the west side of the building, from the southeast corner of the building to approximately ten (10) feet north of the main entrance.

Deerfield Park Apartments on Westerlea Avenue:

- a. The driveway starting at the rear of Building No. 8 north side facing Grape Run Road, traveling west to the rear parking lot, stopping at the southwest corner of Building No. 2.
- b. The driveway between Buildings No. 2 and No. 2, traveling east and west.
- c. The driveway in front of Building No. 3, traveling north to south.

Fairmount Investments in Krauszer's Mall (or successor tenant) on Franklin Street:

Starting at the east side corner of Broad Street curb, facing the entrance of the stores, traveling west to the end of the building.

Bank building at 105 South Main Street:

The parking lot area, facing the main entrance of the bank.

Grace Norton Rodgers School on Stockton Street:

- a. The east side entrance of the building, parking lot facing the school building.
- b. The driveway at the northeast corner of the building, ending at the south side facing Stockton Street.

Hightstown Post Office on Mercer Street:

The driveway in front of the main entrance on the east side of the building.

Hightstown High School on Leshin Lane:

- a. Starting at the northwest corner of the parking lot facing the school building, the curb along the sidewalk, traveling east, ending at the northeast corner of the driveway.
- b. Starting at the northeast corner of the school building, facing the school, traveling south, ending at the southeast corner of the school building.
- c. The driveway between the Annex and the main school, at the south side of the building.

The Peddie School on South Main Street:

- a. The main road starting at the north side corner of the Coleman Dormitory, traveling south to the end of the drive, facing Etra Road.
- b. The driveway traveling in front of the Austin Colgate Dormitory, ending at the Avery Dormitory.

Town House Garden Apartments on Manlove Avenue:

Starting at Building E, northwest corner, traveling south, the complete horseshoe drive, ending at the northeast corner of Building E.

Walter C. Black School on Stockton Street:

- a. The main entrance of the east side of the parking lot, facing the building.
- b. The complete horseshoe drive, along the curb side, facing the school building.

Westerlea Arms Apartments on Westerlea Avenue:

- a. Starting at Building No. 12, east side parking lot, off Glen Drive, facing the front of Building No. 12, stopping at the west side of the parking lot curb.
- b. Starting at the south side of Glen Drive, traveling north, the complete circle drive ending at the north side corner of the building.

The Hightstown Housing Authority, located on Academy Street, Rogers Avenue, and Railroad Avenue:

The complete courtyard areas of Building 1, 215 Academy Street, Building 2, 145 Rogers Avenue, Building 3, 174 Railroad Avenue, Building 4, 241 Academy Street, Building 5, 235 Academy Street, and the driveway on Railroad Avenue between Building 3, 174 Railroad Avenue and Building 2, 145 Rogers Avenue that are constructed of concrete. (1991 Code § 214-3; Ord. No. 94-10 § 1; Ord. No. 1999-04 § 2; Ord. No. 2001-02)

#### **Subsection 15-10-4                      Installation of Signs; Painting of Lines.**

The areas designated in this section as fire lanes shall be designated by signs and pavement markings to be provided and installed by the owners of the buildings adjacent to the fire lanes and zones. The owners of such property, shall, subsequent to the initial procurement and installation, maintain such signs and pavement markings in good condition at no cost or expense to the Borough. The owners of the properties referred to in subsection 15-10.3 shall cause all required signs and pavement markings to be completed in a workmanlike fashion within one hundred twenty (120) calendar days from the effective date of this section. The standards regarding signs and pavement markings shall be in accordance with the current Manual on Uniform Traffic Control Devices for Streets and Highways. (1991 Code § 214-4; Ord. No. 94-10 § 1)

#### **Subsection 15-10-5                      Violations and Penalties.**

For each violation of this section, a fine of not more than one hundred (\$100.00) dollars or imprisonment for a term not exceeding fifteen (15) days, or both, may be imposed upon every offender. (1991 Code § 214.5; Ord. No. 94-10 § 1; Ord. No. 1998-12 § 2(B))

#### **Section 2.**

Penalties. This Ordinance may be enforced by the Fire Official, 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 2010-14 First Reading and Introduction - An Ordinance Amending Section 2-55.2(d) of the “Revised General Ordinances of the Borough of Hightstown, New Jersey” Regarding Fees for Municipal Court Discovery or Police Accident Reports**

Council President Quattrone moved Ordinance 2010-14 and Councilmember Sikorski seconded.

The Borough Clerk gave an explanation of the need for this ordinance.

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

Ordinance Introduced, 6-0

Ordinance 2010-14

BOROUGH OF HIGHTSTOWN  
COUNTY OF MERCER  
STATE OF NEW JERSEY

**AMENDING SECTION 2-55.2(d) OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN REGARDING FEES FOR MUNICIPAL COURT DISCOVERY OR POLICE ACCIDENT REPORTS**

**WHEREAS**, the State of New Jersey has set forth new fees to be charged for copies obtained from Government Entities; and

**WHEREAS**, the Borough Clerk finds that revisions to the Revised General Ordinances of the Borough of Hightstown are necessary for compliance with the new fees.

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

Section 1. Section 2-55.2(d) of the Revised General Ordinances of the Borough of Hightstown is hereby amended as follows (Cross-outs are deletions and underlines are additions):

d. Municipal Court discovery and police accident reports

1. All requests for discovery in matters pending in the Hightstown Municipal Court shall be submitted through the Municipal Prosecutor.

2. The following fees shall be payable by the requestor to the Borough of Hightstown for the discovery or accident report provided:

- i. ~~\$.75~~ \$.05 (five cents) per page for each of the first 10 letter size (8.5 x 11) pages photocopied
- ii. ~~\$.50~~ \$.07 (seven cents) per page for each of the next 10 legal size (8.5 x 14) or larger pages photocopied

~~iii. \$.25 per page for each of the pages photocopied thereafter~~

~~iv- iii.~~ Actual postage for any discovery or accident report sent by mail  
~~v- iv.~~ \$.25 for the envelope for any discovery or accident report sent by mail

~~vi- v.~~ Photographs will be photocopied at the rates established herein. If requests are made for duplicate photographs, the actual cost of making the photographs shall be charged.

~~vii- vi.~~ Duplication of video tapes constitutes an extraordinary duplication process and will be charged at the rate of \$5.00 per video tape.

~~viii- vii.~~ For any item that cannot be photocopied on the Borough's copy machine or for any item not otherwise provided for in this schedule, the actual cost incurred in making the copy shall be charged.

3. Where the discovery must be obtained from an entity other than the Borough of Hightstown, e.g. another police department, the actual costs paid to the other entity shall be paid by the requestor.

4. There shall be no charge to persons over the age of 65 for discoveries or police accident reports.

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

Section 3. That, in the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to that portion of the Ordinance actually adjudged to be invalid, and the remaining portions of this Ordinance shall be deemed severable therefrom and shall not be affected.

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

#### **Resolution 2010-168 Authorizing Payment of Bills**

Council President Quattrone moved resolution 2010-168, Councilmember Sikorski seconded.

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

Resolution adopted 6-0.

**Resolution 2010-168**

*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     \$            380,408.00                      from the following  
accounts

Current	\$	192,074.54
W/S Operating		104,663.98
General Capital		28,645.26
W/S Capital		49,834.61
Trust		1,223.35
Animal Control		232.90
Grant Account		136.11
Escrow		3,597.25
Total	\$	<u>380,408.00</u>

**Resolution 2010-169 Appointing an Acting Court Administrator**

Council President Quattrone moved resolution 2010-168, Councilmember Sikorski seconded.

There was discussion.

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

Resolution adopted 6-0.

**Resolution 2010-169**

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

**APPOINTING AN ACTING MUNICIPAL COURT ADMINISTRATOR – KRISTY GILSENAN**

**WHEREAS**, due to the resignation of Nanci MacLean there is a need for Hightstown Borough to appoint an Acting Municipal Court Administrator effective June 19, 2010; and

July 19, 2010



**WHEREAS**, the Borough Administrator has recommended that Kristy Gilsenan, current Deputy Court Administrator for the Borough be appointed to this position; and,

**WHEREAS**, Ms. Gilsenan shall receive an annual salary in the amount of \$55,000.00 to perform the duties and assume the responsibilities of the position Municipal Court Administrator and an annual stipend of \$1,000.00 for 24 hour on-call service, for a total of \$56,000.00; and,

**WHEREAS**, Ms. Gilsenan shall also receive an annual cell phone reimbursement of \$150.00 for use of her personal cell phone for Borough business; and

**WHEREAS**, the funds for these expenses are available and the Treasurer has so certified in writing.

**WHEREAS**, said salary, stipend and reimbursement shall be pro-rated to coincide with the start of this position on July 19, 2010.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Borough Council of the Borough of Hightstown, that Kristy Gilsenan is hereby appointed as Acting Municipal Court Administrator for the Borough of Hightstown effective June 19, 2010 at the rates as stipulated above.

#### **Resolution 2010-170 Authorizing Reimbursement for Cell Phone Usage – Nancy MacLean**

Council President Quattrone moved resolution 2010-170, Councilmember Sikorski seconded.

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

Resolution adopted 6-0.

Resolution 2010-170

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

#### **AUTHORIZING REIMBURSEMENTS FOR CELL PHONE USAGE**

**WHEREAS**, the Borough finds it cost effective to permit certain employees to utilize their private cell phone for Borough business throughout the year; and

**WHEREAS**, the Borough wishes to authorize reimbursement for private cell phone usage to Nancy MacLean who has resigned her position as Municipal Court Administrator effective June 16, 2010; and,

**WHEREAS**, the amount due has been pro-rated for cell phone usage from January 1 through June 16, 2010 and she is to be paid in the amount of \$81.25; and,

**WHEREAS**, the funds for these reimbursements are available and the Treasurer has so certified in writing.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the Treasurer is authorized to issue reimbursement to Nancy MacLean in the amount of \$81.25 for private cell phone usage during 2010.

**BE IT FURTHER RESOLVED** that a certified copy of this resolution shall be given to the Treasurer and Nancy MacLean.

#### **Resolution 2010-171 Authorizing an Agreement for Animal Control Services – Associated Humane Society, Inc.**

Mr. Massa, Borough Administrator, requested that the vote on this resolution be postponed due to Resident's concerns

Council President Quattrone moved that resolution 2010-171 be postponed, Councilmember Sikorski seconded.

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

Resolution postponed 6-0.  
July 19, 2010

Resolution 2010-171

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

**AUTHORIZING AN AGREEMENT FOR ANIMAL CONTROL SERVICES**

**WHEREAS**, there exists a need for animal control services within the Borough of Hightstown; and

**WHEREAS**, the Borough Administrator has received proposals for same, and has recommended that an Agreement be entered into with the Associated Humane Societies, Inc. to provide such services for a three-month period, in accordance with their proposal dated June 15, 2010; and

**WHEREAS**, the agreement with the Associated Humane Societies, Inc. will be for services from the Tinton Falls Branch of the organization which is located at 2960 Shafto Road, Tinton Fall, New Jersey; and,

**WHEREAS**, the Borough shall be notified before any animal taken into custody under this agreement is euthanized; and

**WHEREAS**, this three-month agreement shall not exceed \$1,500.00; and,

**WHEREAS**, this agreement is an on-call contract and shall be negotiable as an on-call contract or full service contract after the three-month period, dependent upon the Borough's need; 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 Mayor and Borough Clerk are hereby authorized and directed to execute a three-month agreement with the Associated Humane Societies, Inc. for Animal Control Services of the Tinton Falls Branch, 2960 Shafto Road, Tinton Fall, New Jersey.

**Resolution 2010-172 Authorizing Donor Agreement with Better Beginnings Child Development Center**

Council President Quattrone moved resolution 2010-172, Councilmember Sikorski seconded.

There was discussion.

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

Resolution adopted 6-0.

Resolution 2010-172

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

**AUTHORIZING EXECUTION OF DONOR AGREEMENT  
WITH BETTER BEGINNINGS CHILD DEVELOPMENT CENTER**

**WHEREAS**, it is the desire and intention of the Mayor and Council to contribute \$8,500 during 2010 to the Better Beginnings Child Development Center; and

**WHEREAS**, the New Jersey Department of Human Services has been designated to administer or supervise the administration of social services programs as defined in the New Jersey State plans for social services, and requires the execution of a Donor Agreement between Better Beginnings and the Borough of Hightstown; and

**WHEREAS**, the Chief Financial Officer has certified that funds for this contribution have been provided in the 2010 budget;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the Donor Agreement is hereby accepted and the Mayor is authorized to execute same.

**Resolution 2010-173 Authorizing Payment on Behalf of Participants in the Borough of Hightstown Length of Service Award Program (LOSAP)**

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

Council President Quattrone moved resolution 2010-173, Councilmember Sikorski seconded.

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

Resolution adopted 5-0.

Resolution 2010-173

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

**AUTHORIZING PAYMENT ON BEHALF OF PARTICIPANTS IN THE BOROUGH OF  
HIGHTSTOWN LENGTH OF SERVICE AWARD PROGRAM (LOSAP)**

**WHEREAS**, the Borough of Hightstown instituted a Length of Service Award Program (LOSAP) with the adoption of Ordinance 1999-20 on August 2, 1999 and its subsequent approval by referendum at the November 1999 general election; and

**WHEREAS**, said LOSAP became effective January 1, 2000; and

**WHEREAS**, in accordance with *N.J.S.A. 40A:14-191*, the Hightstown First Aid Squad and Hightstown Engine Co. No. 1 have submitted certified listings of all volunteer members who qualified for credit under the LOSAP program for the year 2008; and

**WHEREAS**, certain volunteers are also eligible to redeem amounts “banked” during prior years of qualified service; and

**WHEREAS**, the listing of all employees who qualified for credit under the LOSAP program during 2009 and/or are eligible to redeem amounts banked during prior years of qualified service is attached hereto as Schedule “A”; and

**WHEREAS**, *N.J.A.C. 5:30-14.10* requires that these listings be approved by Resolution of the governing body;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the certified listings set forth on the attached Schedule A of volunteer members of the Hightstown First Aid Squad and Hightstown Engine Co. No. 1 who qualified for credit under the LOSAP program for the year 2009 are hereby approved, and the Borough Administrator is directed to take all steps necessary to provide payment on their behalf to Lincoln Financial Group in accordance with the provisions and requirements of *N.J.S.A. 40A:14-191* and *N.J.A.C. 5:30-14.1 et seq*; and

**BE IT FURTHER RESOLVED** that a certified copy of this Resolution be provided to the Hightstown First Aid Squad and Hightstown Engine Co. No. 1; and

**BE IT FURTHER RESOLVED** that, in accordance with *N.J.S.A. 40A:14-192*, copies of the approved listings shall be posted for a period of not less than 30 days in the Borough Clerk’s office, at the Hightstown Firehouse and at the Hightstown First Aid Squad building.

**Resolution 2010-174 Requesting Approval for Insertion of a Special Item of Revenue in the 2010 Budget – Drunk Driving Enforcement Fund**

Council President Quattrone moved resolution 2010-174, Councilmember Sikorski seconded.

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

Resolution adopted 6-0.

Resolution 2010-174

*BOROUGH OF HIGHTSTOWN*

July 19, 2010

*COUNTY OF MERCER  
STATE OF NEW JERSEY*

**REQUESTING APPROVAL FOR INSERTION OF A SPECIAL ITEM OF REVENUE IN THE  
2010 BUDGET**

**WHEREAS**, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

**WHEREAS**, said Director may also approve the insertion of an item of appropriation for equal amount;

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Hightstown hereby request the Director of the Division of Local Government Services to approve the insertion of a special item of revenue and equal appropriation in the budget of the Borough of Hightstown for the year 2010 as follows:

Source	Amount	Revenue Title	Appropriation Title
State of New Jersey Division of Motor Vehicles	\$11,654.05	Drunk Driving Enforcement Fund	Drunk Driving Enforcement Fund

**Resolution 2010-175 Requesting Approval for Insertion of a Special Item of Revenue in the 2010 Budget – Municipal Court Alcohol Education and Rehabilitation Fund**

Council President Quattrone moved resolution 2010-175, Councilmember Sikorski seconded.

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

Resolution adopted 6-0.

Resolution 2010-175

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

**REQUESTING APPROVAL FOR INSERTION OF A SPECIAL ITEM OF REVENUE IN THE  
2010 BUDGET**

**WHEREAS**, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

**WHEREAS**, said Director may also approve the insertion of an item of appropriation for equal amount;

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Hightstown hereby request the Director of the Division of Local Government Services to approve the insertion of a special item of revenue and equal appropriation in the budget of the Borough of Hightstown for the year 2010 as follows:

Source	Amount	Revenue Title	Appropriation Title
State of New Jersey	\$7,038.23	Municipal Court Alcohol Education and Rehabilitation Fund	Municipal Court Alcohol Education and Rehabilitation Fund

The Borough Administrator informed Council that there was no information regarding the garbage truck, so this item was not discussed.

The Mayor then opened Public Comment Period II. The following residents spoke during the public comment period: Mike Sheenan, 228 Wilson Avenue; Rob Thibault, 504 S. Main Street.

### **Council Comments**

**Councilmember Theokas** – stated that he is compelled to answer questions posed by the public. In response to comments from the public he advised that all of Council owns property in the Borough and that he finds personal attacks uncalled for; and a person could not run for Council in the past because he was a Hightstown Borough Public Works employee.

**Councilmember McGinty** – gave an update on the Borough Ordinance Review Committee and Environmental Commission meetings. She also commented that employees are tasked by Council and Administration; and requested that minutes be limited to names and formal actions and that there needs to be two public comment period on all agendas. Councilmember McGinty then addressed engineering items.

**Councilmember Bond** – commented that the history of the road projects in the Borough reflect that we have a great program due to the Engineer, at minimal cost to the taxpayers. He also stated that the Administrator is charged with hiring of personnel.

**Council President Quattrone** – advised the public that the work on Mercer Street is ongoing and that the First Aid is in need of volunteers. He reported that the Memorial Day Parade for 2010 has been finalized and went well. He continued by complimenting the Department of Public Works for doing a great job with trash removal even though they have been using the old manual truck.

**Councilmember Sikorski** – advised the public that the appointment of a consultant on the project will take place soon using the grant funds from DVRP and the study will take about one year. He also commented regarding recent criticism regarding Larry Quattrone's and Jeff Bond's votes.

**Councilmember Musing** – reminded the public that the Ordinance Review Committee meets next week. He continued that the Walking Bridge Committee met last week and has been added to the website.

**Borough Attorney** – advised that certain offices are deemed to be incompatible with running for office and that each incident is considered individually.

**Police Chief Eufemia** – reminded the public that National Night Out will be held on August 3<sup>rd</sup>; there will be many resources and information available and he encouraged the public to actively participate.

Council President Quattrone moved to adjourn the meeting at 9:48pm and Councilmember Sikorski seconded; the Motion was approved unanimously.

Respectfully Submitted,

Debra L. Sopronyi

Borough Clerk