

Meeting Minutes
Hightstown Borough Council
Regular Meeting
October 3, 2011
6:30 pm

The Public meeting was called to order by Mayor Kirson at 6:33 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 Mayor called for a Roll Call.

ROLL CALL

	PRESENT	ABSENT
<i>Councilmember Bibens</i>	✓	
<i>Councilmember Gilmartin</i>	✓	
<i>Councilmember McGinty</i>	✓	
<i>Councilmember Quattrone</i>	✓	
<i>Councilmember Woods</i>	✓	
<i>Councilmember Vanderbeck</i>	✓	
<i>Mayor Kirson</i>	✓	

Also in attendance: Susan Jackson, Acting Deputy Borough Clerk; Frederick Raffetto, Borough Attorney

Resolution 2011-237 Naming an Acting Deputy Clerk for Executive Session

Councilmember Gilmartin moved resolution 2011-237. Councilmember Bibens seconded.

Roll Call Vote: Council members Bibens, Gilmartin, McGinty, Quattrone, Vanderbeck, and Woods voted yes.

Resolution adopted, 6-0

Resolution 2011-237

BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY

NAMING AN ACTING DEPUTY CLERK FOR EXECUTIVE SESSION

WHEREAS, The Borough Clerk is not available for the October 3, 2011 meeting of the Borough Council; and

WHEREAS, it is the desire of Borough Council to deputize Frederick Raffetto, Borough Attorney, to perform the duties of the Borough Clerk for the executive session portion of this meeting; and

WHEREAS, Frederick Raffetto, Borough Attorney shall perform all the duties of the Borough Clerk for said meeting.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that Frederick Raffetto, Borough Attorney, is hereby named as Acting Deputy Clerk for the executive session meeting of the Borough Council on October 3, 2011 and shall perform the duties of the Borough Clerk for said executive session meeting.

Resolution 2011-238 Naming an Acting Deputy Clerk for Public Session

Councilmember Gilmartin moved resolution 2011-238. Councilmember Bibens seconded.

Roll Call Vote: Council members Gilmartin, McGinty, Quattrone, Vanderbeck, Woods and Bibens voted yes.

Resolution adopted, 6-0

Resolution 2011-238

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

NAMING AN ACTING DEPUTY CLERK FOR PUBLIC SESSION

WHEREAS, The Borough Clerk is not available for the October 3, 2011 meeting of the Borough Council; and

WHEREAS, it is the desire of Borough Council to deputize Susan Jackson to perform the duties of the Borough Clerk for the public portion of this meeting; and

WHEREAS, Susan Jackson shall perform all the duties of the Borough Clerk for said meeting.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that Susan Jackson is hereby named as Acting Deputy Clerk for the public meeting of the Borough Council on October 3, 2011 and shall perform the duties of the Borough Clerk for said meeting.

Resolution 2011-239

Councilmember Vanderbeck asked that the litigation for Baylor vs. Hightstown Borough be added to the Executive Session agenda. Council President Quattrone made a motion to approve Resolution 2011-238 with the addition of litigation for Baylor to the agenda. Councilmember Woods seconded.

Roll Call Vote: Council members Quattrone, Vanderbeck, Woods, Bibens, Gilmartin, and McGinty voted yes.

Resolution adopted as amended, 6-0

Resolution 2011-239

*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 October 3, 2011 at approximately 6:30 pm in the First Aid Building on Bank Street 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:

Contract Negotiations – Lucas & Cranbury 9-1-1

Litigation – 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 January 3, 2012 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 public session at 7:41 pm.

The meeting was called to order by Mayor Kirson and he read the Open Public Meetings Act statement.

The Flag Salute followed the Roll call which has remained the same: George Lang, Chief Financial Officer had also joined the public meeting.

Councilmember Woods asked that the agenda be amended to include an update on the Minute Maid and Rug Mill Properties to the discussion items. Council President Quattrone moved the agenda as amended, Councilmember Gilmartin seconded. Mayor Kirson asked for a roll call vote:

Roll Call Vote: Council members Gilmartin, McGinty, Quattrone, Vanderbeck, and Woods voted yes. The agenda was approved as amended, 6-0 vote.

Council President made a motion to approve the minutes from June 20, 2011, July 5, 2011, July 18, 2011, and Aug. 1, 2011 as one approval. Councilmember Woods seconded. Mayor Kirson asked if there were any questions or comments on any of the minutes. There were no comments. Mayor Kirson asked for a roll call vote.

Roll Call Vote: Council members Woods, Bibens, Gilmartin, Quattrone, and Vanderbeck voted yes. Council member McGinty voted no. The minutes were approved with a 5-1 vote.

Resolution 2011-240 Authorizing Payment #6 and Change Order #5 final - Tomco Construction, Inc. (Water Main Extension Leshin Lane and Mercer Street)

Council President Quattrone motioned to moved resolution 2011-240, Councilmember Woods seconded.

Councilmember McGinty asked Mr. Theokas to go over the project for the public. Mr. Theokas gave a brief synopsis of the project. With no further discussions, Mayor Kirson asked for a roll call vote.

Roll Call Vote: Council members Bibens, Gilmartin, McGinty, Quattrone Vanderbeck, and Woods voted yes.

Resolution adopted, 6-0.

Resolution 2011- 240

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

**AUTHORIZING PAYMENT #6 AND CHANGE ORDER #5 FINAL – TOMCO
CONSTRUCTION, INC.
(WATER MAIN EXTENSION LESHIN LANE AND MERCER STREET)**

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

WHEREAS, the contractor has submitted Payment Request #6 – Final in the amount of \$29,980.22 which releases retainage for completion of this project; and,

WHEREAS, this final payment includes change order #5 in the amount of \$2,000.00 for the addition of a supplemental item for sewage backup clean-up based on unanticipated and unknown filed conditions which were not the direct result of the Contractor's actions; and

WHEREAS, the final cost for this contract is \$1,401,010.78 making the final cost for this project \$97,066.22 less than the bid price.

WHEREAS, the Borough Engineer has confirmed that all required approvals from the various New Jersey State agencies that are required and final certified payrolls have been received and the project may be accepted and closed out; and,

WHEREAS, due to a delay in NJDOT approval the one year period for a maintenance bond has passed since this project has been completed, the Engineer and NJDOT are recommending that a formal maintenance bond not be required for this project; and

WHEREAS, the Borough Attorney has reviewed the closeout documents and found them to be in order; and,

WHEREAS, The Treasurer has certified that said funds are available for this purpose.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that payment Request No. 6, which includes change order #5 from Tomco Construction, Inc. of Wharton, New Jersey in the amount of

\$29,980.22, as detailed herein, is hereby approved, and the Mayor is authorized to execute the change order and the Treasurer is authorized to issue said payment.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of Hightstown that the closeout documents for said project are hereby accepted and the requirement for a one year maintenance bond is hereby waived.

Resolution 2011-241 Authorization to Receive Bids for Chlorination Tank

Council President Quattrone made a motion to move resolution 2011-241, Councilmember Woods seconded.

Mayor Kirson asked if there were any questions on the bids. Ms. McGinty asked if there was anything that Mr. Theokas wanted to add for the public. He gave a short synopsis of the bid. Mayor Kirson asked if the Council would rather have Ms. Roberts prepare a resolution to include all the remaining bids for the Bond ordinance to make it more efficient. All agreed. Mr. Theokas was asked to let Ms. Roberts know to make one resolution for all remaining bids. Mayor Kirson asked for a roll call vote.

Roll Call Vote: Council members Gilmartin, McGinty, Quattrone, Vanderbeck, Woods and Bibens voted yes.

Resolution adopted 6-0.

Resolution 2011-241

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

AUTHORIZING RECEIPT OF BIDS FOR THE CHLORINATION TANK PROJECT

WHEREAS, Borough Council has approved the installation of a chlorination tank for the Hightstown Water Plant through the adoption of bond ordinance 2011-03.

BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Borough Engineer is hereby authorized to prepare specifications and advertise for bids for the Chlorination Tank Project at the Hightstown Water Plant, and that the Borough is authorized to receive same after proper advertisement.

Mayor Kirson opened the floor for Public Comment #1. Phyllis Deal, 305 Stockton St, Hightstown; Gene Sarafin, 628 S. Main St, Hightstown; Rob Thibault, 504 S. Main St, Hightstown; Melanie Alio, 158 Grant Ave, Hightstown all came forward. As no others came forward, Mayor Kirson closed Public Comment #1.

Ordinance 2011-12 First Reading and Introduction – An ordinance amending and Supplementing Section 19-2, Subsection 19-2-3, Entitled “Sewer Charges,” of Chapter 19, “Water and Sewer,” of the “Revised General Ordinance of the Borough of Hightstown, New Jersey”

Mayor Kirson explained that the Ordinance fee schedule change has been requested by the head of the Sewer Department. The Water/Sewer Committee has checked with the Water/Sewer Plants of other municipalities and as a result has requested increases of the Grey Water rates to the current market standard. None of the changes deal with residential fees. The increases would bring the rates up to market value and help offset the cost of processing the waste. A discussion ensued and Mr. Theokas was asked to gather more information as to how the numbers will impact the municipality and the operating budget of the Water/Sewer Plant. Mr. Theokas said that he would have the requested information by the time the ordinance comes before the Council for the final reading

Councilmember Vanderbeck motioned for introduction of ordinance 2011-12, Council President Quattrone seconded.

Roll Call Vote: Council members Quattrone, Vanderbeck, Woods, Bibens, Gilmartin, and McGinty voted yes.

Ordinance introduced, 6-0

Ordinance 2011-12

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

**AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 19-2, SUB-SECTION 19-2-3,
ENTITLED "SEWER CHARGES," OF CHAPTER 19, "WATER AND SEWER," OF THE "REVISED
GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN, NEW JERSEY"**

WHEREAS, the Hightstown Advanced Wastewater Treatment Plant Superintendent, in conjunction with the Borough Water and Sewer Committee, have recommended changes and additions to the rates charged for the processing of gray water, septic and grease and/or fats ; and

WHEREAS, the Hightstown Borough Council has agreed with the Hightstown Advanced Wastewater Treatment Plant Superintendent and Borough Water and Sewer Committee recommendation, and wishes to amend and supplement the "Revised General Ordinances of the Borough of Hightstown, New Jersey" accordingly.

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

Section 1. Section 19-2, Subsection 19-2-3, entitled "Sewer Charges," of Chapter 19, "Water and Sewer" of the "Revised General Ordinances of the Borough of Hightstown, New Jersey" is hereby amended and supplemented in order to establish the following new provisions (deletions are shown with ~~Strikeout~~; additions are underlined):

Subsection 19-2-3 Sewer Charges.

The following charges and rents shall be charged for use of the sewer system. For premises connected with the water mains of the public water and sewer system owned by the Borough, a sum shall be charged in accordance with the following rates and be computed from the amount and use of water taken from the water mains during the most recently billed quarter of the calendar year as evidenced by the reading of the water meter for the premises. Sewer charges shall be based upon the following:

- a. Quarterly base charge for sewage connections (per connection unit)
whether or not any water is used during the quarter \$60.00 per unit
- b. Sewage usage charge per each 100 cubic feet of metered water usage
(all account types) \$3.85
- c. For processing of grey water delivered via tank truck by commercial entities:
 - (1) For the first 1,500,000 gallons delivered by a
commercial entity within a calendar year ~~\$2630.00~~ per
1,000 gallons
 - (2) For volume in excess of 1,500,000 gallons delivered by a
commercial entity within a calendar year ~~\$2226.00~~ per
1,000 gallons
 - (3) The contents of each tanker will be tested so as to determine
the pH level of the material.
 - For material with a measured pH found to be between
5.0 and 5.5, an additional surcharge will be assessed \$ 5.00 per
1,000 gallons
 - For material with a measured pH found to be below 5.0,
an additional surcharge will be assessed \$10.00 per
1,000 gallons
- d. For processing of septic tank waste delivered via tank truck by commercial entities:
 - (1) Septic containing less than 3% total solids:
 - (1.1) For the first 1,500,000 gallons delivered by a
commercial entity within a calendar year ~~\$4648.00~~ per
1,000 gallons
 - (1.2) For volume in excess of 1,500,000 gallons delivered by a
commercial entity within a calendar year ~~\$4345.00~~ per
1,000 gallons
 - (1.3) The contents of each tanker will be tested so as to determine
the pH level of the material.
 - For material with a measured pH
found to be between 5.0 and 5.5, an additional surcharge \$ 5.00 per

will be assessed	1,000 gallons
For material with a measured pH found to be below 5.0, an additional surcharge will be assessed	\$10.00 per 1,000 gallons
<u>(2) Septic containing greater than 3% total solids but less than 4% total solids:</u>	
<u>(2.1) Per 1,000 gallons</u>	<u>\$58.00</u>
<u>(2.2) The contents of each tanker will be tested so as to determine the pH level of the material.</u>	
<u>For material with a measured pH found to be between 5.0 and 5.5, an additional surcharge will be assessed</u>	<u>\$ 5.00 per 1,000 gallons</u>
<u>For material with a measured pH found to be below 5.0, an additional surcharge will be assessed</u>	<u>\$10.00 per 1,000 gallons</u>
<u>(3) Septic containing greater than 4% total solids but less than 5% total solids:</u>	
<u>(3.1) Per 1,000 gallons</u>	<u>\$68.00</u>
<u>(3.2) The contents of each tanker will be tested so as to determine the pH level of the material.</u>	
<u>For material with a measured pH found to be between 5.0 and 5.5, an additional surcharge will be assessed</u>	<u>\$ 5.00 per 1,000 gallons</u>
<u>For material with a measured pH found to be below 5.0, an additional surcharge will be assessed</u>	<u>\$10.00 per 1,000 gallons</u>
<u>(4) Septic containing greater than 5% total solids:</u>	
<u>(4.1) Per 1,000 gallons</u>	<u>\$78.00</u>
<u>(4.2) The contents of each tanker will be tested so as to determine the pH level of the material.</u>	
<u>For material with a measured pH found to be between 5.0 and 5.5, an additional surcharge will be assessed</u>	<u>\$ 5.00 per 1,000 gallons</u>
<u>For material with a measured pH found to be below 5.0, an additional surcharge will be assessed</u>	<u>\$10.00 per 1,000 gallons</u>
<u>(5) Septic (Jugglers): Per 1,000 gallons or any portion thereof</u>	<u>\$78.00</u>
<u>(5.2) The contents of each tanker will be tested so as to determine the pH level of the material.</u>	
<u>For material with a measured pH found to be between 5.0 and 5.5, an additional surcharge will be assessed</u>	<u>\$ 5.00 per 1,000 gallons</u>
<u>For material with a measured pH found to be below 5.0, an additional surcharge will be assessed</u>	<u>\$10.00 per 1,000 gallons</u>
<u>(6) Car Wash: Per 1,000 gallons or any portion thereof</u>	<u>\$58.00</u>

(6.1) The contents of each tanker will be tested so as to determine the pH level of the material.

<u>For material with a measured pH</u>	
<u>found to be between 5.0 and 5.5, an additional surcharge will be</u>	<u>\$ 5.00 per</u>
<u>assessed</u>	<u>1,000 gallons</u>

<u>For material with a measured pH</u>	
<u>found to be below 5.0, an additional surcharge</u>	<u>\$10.00 per</u>
<u>will be assessed</u>	<u>1,000 gallons</u>

~~e. For processing of fats and grease derived solely from animal, and/or vegetable sources delivered via tank truck by commercial entities, BY APPOINTMENT ONLY~~

	\$105 per
	1,000 gallons

Septic from Recreational Vehicles (RV): Per 1,000 gallons or any portion thereof \$10.00

~~ef. For processing of fats and grease derived solely from animal, and/or vegetable sources delivered via tank truck by~~

	\$105 per
-------------	----------------------

~~commercial entities, BY APPOINTMENT ONLY~~

	1,000 gallons
-------------	--------------------------

Septic from Recreational Vehicles (RV): Per 1,000 gallons or any portion thereof \$10.00

~~ef. For processing of fats and grease derived solely from animal, and/or vegetable sources delivered via tank truck by~~

	\$105 per
-------------	----------------------

~~commercial entities, BY APPOINTMENT ONLY:~~

	1,000 gallons
-------------	--------------------------

~~fg. No petroleum oil or grease from mineral sources will be accepted at the Advanced Wastewater Treatment Plant.~~

~~gh. The term "calendar year" as used in this Section shall be the period between January 1 and December 31.~~

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

Section 3. 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. This Ordinance shall take effect following final passage and publication in accordance with the law.

Resolution 2011-242 – Authorizing Payment of Bills

Councilmember Vanderbeck moved Resolution 2011-242, Councilmember Gilmartin seconded.

Mayor Kirson stated that there are quite a few expenses this time that are for Hurricane Irene and the biggest portion is the school tax payment. Mr. Theokas gave a brief breakdown of the expenses for the Hurricane. He stated that based on the current work and expenses already done and the work that still needs to be done because of the hurricane, the Council should give thought to increasing the Emergency Appropriations. The Mayor and Mr. Theokas will be attending a JIF meeting to find out information and will be attending their first meeting with FEMA on Thursday. The Department Heads have been doing a great job documenting all the information and this paperwork will be discussed with FEMA.

Roll Call Vote: Council members Quattrone, Vanderbeck, Woods, Bibens, Gilmartin and McGinty, voted yes.

Resolution adopted, 6-0.

Resolution 2011-242

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 \$1,236,712.54 from the following accounts

Current	\$	1,201,284.41
W/S Operating		18,820.03
General Capital		8,662.50
Water/Sewer Capital		4,875.00
Grant		2,080.60
Trust		180.00
Housing Trust		-
Animal Control		-
Law Enforcement Trust		-
Housing Rehab Loans		-
Unemployment Trust		-
Escrow		810.00
		-
Total	\$	<u>1,236,712.54</u>

BOROUGH OF HIGHTSTOWN

COUNTY OF MERCER

STATE OF NEW JERSEY

Resolution 2011-243 Amending Resolution 2011-228

Mayor Kirson said there was a typo in the original Resolution in the amount to purchase 2 utility trucks to be purchased for the Public Works Department. The amount was listed as the total not to exceed the amount of \$38,905.00. The support document is the same document that was attached to the first Resolution and the total for the trucks was always listed as \$50,433.00, so this Resolution is amended to reflect this amount.

Council President Quattrone moved resolution 2011-243, Councilmember Vanderbeck seconded.

Roll Call Vote: Council members Vanderbeck, Woods, Bibens, Gilmartin, McGinty, and Quattrone voted yes.

Resolution adopted, 6-0

Resolution 2011-243

October 3, 2011

- 8 -

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

AMENDING RESOLUTION 2011-228

WHEREAS, resolution 2011-228 authorized the purchase of pick-up truck and utility truck for use by the Hightstown Department of Public Works; and

WHEREAS, the Hightstown Borough Council has authorized the purchase of these vehicles with the adoption of Ordinance 2011-11; and

WHEREAS, the purchase is being made under New Jersey State Contract A78847/T2754; and

WHEREAS, there was an error in the amount of the purchase on resolution 2011-228; and

WHEREAS, the correct price for these vehicles to be purchased from Flemington Chevy Buick GMA Cadillac, LLC under state contract should have read for an amount not to exceed \$50,433.00; and

WHEREAS, the treasurer has certified that funds are available for this purchase.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that resolution 2011-228 is hereby amended to authorize the Purchasing Agent to purchase a 4WD Regular Cab Utility vehicle and an Extended Cab 2WD Pickup Truck from Flemington Chevy Buick GMA Cadillac, LLC under New Jersey State Contract A78847/T2754 for an amount not to exceed \$50,433.00.

Resolution 2011-244 Authorizing a Refund for the Harvest Festival - Stein

Councilmember Gilmartin moved resolution 2011-244 and 2011-245 as a consent agenda, Councilmember Woods seconded.

Roll Call Vote: Council members Woods, Bibens, Gilmartin, McGinty, Quattrone, and Vanderbeck voted yes.

Resolutions adopted, 6-0

Resolution 2011-244

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

AUTHORIZING A REFUND FOR THE HIGHTSTOWN BOROUGH FAIR – JOY D. STEIN

WHEREAS, Joy D. Stein paid a vendor fee to participate in the Borough Fair with check #346 in the amount of \$45.00; and

WHEREAS, \$45.00 was deposited into account #T-12-56-286-000-836; and

WHEREAS, the vendor has a personal emergency which prevents participation in the Harvest Fair; and

WHEREAS, the Treasurer has requested that a refund in the amount of \$45.00 be issued.

BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Treasurer is hereby authorized and directed to issue a refund in the amount of \$45.00 to Joy D. Stein, 78 Beth Page Drive, Monroe Township, New Jersey 08831, for a vendor fee paid to participate in the Hightstown Borough Harvest Fair.

Resolution 2011-245

*BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER*

AUTHORIZING A REFUND FOR THE HIGHTSTOWN BOROUGH FAIR – FRANK’S ITALIAN ICES

WHEREAS, Frank’s Italian Ices paid a vendor fee to participate in the Borough Fair with check #1107 in the amount of \$55.00; and

WHEREAS, \$55.00 was deposited into account #T-12-56-286-000-836; and

WHEREAS, the vendor had an error in their schedule for the date of the Harvest Fair; and

WHEREAS, the Treasurer has requested that a refund in the amount of \$55.00 be issued.

BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Treasurer is hereby authorized and directed to issue a refund in the amount of \$55.00 to Frank’s Italian Ices, 208 Elton Avenue, Yardville, New Jersey 08620, for a vendor fee paid to participate in the Hightstown Borough Harvest Fair.

Resolution 2011-246 Award a Contract for Painting of the First Avenue – Bragaton Construction, Inc.

Council President Quattrone moved resolution 2011-246, Councilmember Woods seconded.

Mayor Kirson stated that this is part of the Budget Bond Ordinance. The painting of the tower came in at \$78,000.00 plus and additional \$2,000.00 for the ladder gate bringing the total bid in at \$80,000.00. East Windsor and Hightstown Police will be at a meeting on Tuesday to discuss the communication antennas on the tower so the service is not interrupted during the painting. This is schedule to be completed by the end of November. It is suggested that notification be sent to the residents to notify them of the painting.

Roll Call Vote: Council members Bibens, Gilmartin, McGinty, Quattrone, Vanderbeck, and Woods voted yes.

Resolution adopted, 6-0

Resolution 2011-246

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

**AWARDING A CONTRACT FOR PAINTING OF FIRST AVENUE WATER TOWER –
BRAGATON CONSTRUCTION, INC.**

WHEREAS, five (5) bids were received on September 27, 2011 for the painting of the First Avenue Water Tower in Hightstown Borough; and

WHEREAS, said bid contained an alternate for a new ladder gate at the Leshin Lane Water Tower; and

WHEREAS, the bids have been reviewed by the Purchasing Agent, Larry Blake and Mumford-Bjorkman Associates, and it is their recommendation that a contract for the painting of the First Avenue Water Tower be awarded to the low bidder, Bragaton Construction, Inc. of Linden, New Jersey at a price of \$78,000.00; and

WHEREAS, it is also their recommendation that the contract include the alternate for the ladder gate at the Leshin Lane Water Tower for a total contract price of \$80,000.00; and

WHEREAS, the Borough Attorney has reviewed the bid and has determined that the bid submitted by Bragaton Construction, Inc. is in order with respect to legal compliance; and

WHEREAS, funds have been made available in bond ordinance 2011-04 for said expenditure and the Treasurer has certified same;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the
October 3, 2011

contract for the First Avenue Water Tower Painting Project and the ladder gate for the Leshin Lane Water Tower is hereby awarded to Bragaton Construction, Inc. of Linden, New Jersey at a price of \$80,000.00.

Resolution 2011-247 Authorizing the Services of Sockler Realty Services Group, Inc. (Appraisal of Lucas Property)

Councilmember Vanderbeck moved resolution 2011-247, Council President Quattrone seconded.

Mayor Kirson stated that Sockler Realty has put in a proposal for the total of \$3500.00 to do the appraisal on the Lucas Property. The contract doesn't exceed the \$17,500.00 amount for determining going for bid pay to play; everything seems to be in order. Ms. McGinty would like further discussion as to the context of the appraisal for the public. Mr. Vanderbeck explained why the Borough is going out for the appraisal on the property – the Police Department is already located there and just to have more information for further discussions on a reasonable rent for the future is in the benefit to the Borough.

Roll Call Vote: Council members Gilmartin, McGinty, Quattrone, Vanderbeck, Woods, and Bibens voted yes.

Resolution adopted, 6-0

Resolution 2011-247

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

**AUTHORIZING THE PROFESSIONAL SERVICES OF SOCKLER REALTY SERVICES GROUP, INC.
(APPRAISAL OF LUCAS PROPERTY).**

WHEREAS, there is a need for the Borough of Hightstown (also referenced as the "Borough") to retain the services of a professional real estate consultant in order to complete an appraisal of certain real property located at 401 Mercer Street, more commonly known and designated as Block 61.01, Lots 43, 44 & 45 on the Hightstown Borough Tax Map; and

WHEREAS, the firm of Sockler Realty Services Group, Inc. (also referenced as the "professional") has submitted a proposal to the Borough, dated September 27, 2011, to provide said services at the rate(s) specified therein; and

WHEREAS, the services to be provided are considered to be "professional services" under the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "professional services" without public advertising for bids and bidding therefor, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality; and

WHEREAS, the Borough has determined that the amount of the contract shall not exceed \$17,500.00, and therefore the contract is not subject to the provisions of the State's Local Unit Pay-to-Play Law, N.J.S.A. 19:44A-20.4, et seq. (the "Pay-to-Play law"); and

WHEREAS, notwithstanding the same, the contractor shall nevertheless be required to comply with and abide by the Borough's local Pay-to-Play regulations, as set forth in Section 2-59.1, et seq., of the Borough Code; and

WHEREAS, the Borough Council, having considered the same, now wishes to authorize the awarding of this professional service contract to Sockler Realty Services Group, Inc., for provision of the necessary real estate consultant services.

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

1. That the Mayor is hereby authorized to execute and the Borough Clerk to attest an Agreement, in a form acceptable to the Borough Attorney, between the Borough of Hightstown and Sockler Realty Services Group, Inc., regarding the above-referenced real estate consultant services.
2. That this contract is awarded without competitive bidding as a "professional service" in accordance with N.J.S.A. 40A:11-5 of the Local Public Contracts Law of New Jersey, because the services will be performed by persons authorized by law to practice a recognized profession and it is not possible to obtain bids for such needed qualitative services.
3. That the Chief Financial Officer is directed to file a certificate of availability of sufficient funds for this contract and to attach same to this Resolution.

4. That notice of the adoption of this Resolution shall be published in a newspaper of general circulation within the Borough.
5. That the contractor shall be required to comply with and abide by the Borough's local Pay-to-Play regulations, as set forth in Section 2-59.1, *et seq.*, of the Borough Code.
6. That a certified copy of this Resolution shall be provided to each of the following:
 - (a) Peter E. Sockler, MAI, CRE, FRICS
 - (b) Debra L. Sopronyi, Qualified Purchasing Agent/Borough Clerk
 - (c) George Lang, Borough Chief Financial Officer
 - (d) Frederick C. Raffetto, Esq., Borough Attorney

Resolution 2011-248 Authorizing a Shared Services Agreement for Emergency 9-1-1/Police Dispatching Services

Councilmember Gilmartin moved resolution 2011-248, Council President Quattrone seconded.

Mr. Raffetto gave a brief synopsis of the discussions between Cranbury and Hightstown to provide 9-1-1 service to Cranbury. Cranbury has already agreed with the contract dated from Jan. 1, 2012 to Dec. 31, 2012 for the price of \$110,000.00. There is an amendment with the option to extend this contract for an additional year and they have agreed to the amendment under the same terms and conditions as the present contract. Notification must be 60 days before the expiration date of end of the contract. The only other item is a correction within the body of the Resolution. The old "shared services" statute citation number was cited and the new citation number will be entered.

Councilmember Gilmartin moved Resolution 2011-248 with the amendments and corrections. Council President Quattrone seconded.

Roll Call Vote: Council members McGinty, Quattrone, Vanderbeck, Woods, Bibens, and Gilmartin voted yes.

Resolution adopted, 6-0

Resolution 2011-248

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

**AUTHORIZING A SHARED SERVICES AGREEMENT FOR EMERGENCY "9-1-1"/
POLICE DISPATCHING SERVICES**

WHEREAS, in previous years, the Borough of Hightstown has entered into an Shared Services Agreement with the Township of Cranbury for the provision of emergency "9-1-1"/police dispatching services; and

WHEREAS, the Borough of Hightstown desires to continue to provide these services to the Township of Cranbury from January 1, 2012 to December 31, 2012; and

WHEREAS, said agreement shall be renewable for a one year period effective January 1, 2013 if agreed by both parties; and

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

WHEREAS, the Mayor and Council have reviewed the proposed Shared Services Agreement for Emergency "9-1-1"/Police Dispatching Services.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Shared Services Agreement with the Township of Cranbury for Emergency "9-1-1"/Police Dispatching Services for the period January 1, 2012 through December 31, 2012, is hereby approved, in accordance with the provisions of N.J.S.A. 40:8A-4 and Mayor and Borough Clerk are hereby authorized and directed to execute the agreement for same.

Mayor Kirson opened the floor for the second Public Comment period. Gene Sarafin, 628 S. Main St and Fran Polambo, 101 S. Main St. came forward to speak. As no other public came forward, Mayor Kirson closed Public Comment period 2.

October 3, 2011

Discussion:

RFP for Professional Services 2012 – Mayor Kirson asked the council members to start considering as to the direction for the professionals. There will be a full discussion on a future agenda in regard to RFPs.

Mr. Theokas gave brief update on Hurricane Irene. The Firehouse has received estimates on the boiler for heat/hot water and for the drywall; they are moving forward with the repairs needed. Police 9-1-1 service is up and running at the Police Station on Mercer St. and hopefully the police dispatch can move into the Police Station within a day or so. The Water/Sewer Plant has done a lot of work to the facility and the Borough is back on its own water supply. There are no issues but there still is much work that needs to be done. The Administration Office is still working out of the Public Works Building and Water/Sewer payments are being accepted. A special thanks to the Public Work employees who have worked very hard before, during and after the Hurricane to get the Borough back up and running. The Finance Office has been working very hard to pay all the vendors from the Fair. Council should consider putting the fee back in place for Bulk Pick-up, although there is no reason to not consider help on a case by case if there is a need. There are still many factors with Borough Hall in regards to the health and safety of the building for the staff and public. The bills are getting very real and large and there is a real need to be very cautious with all future expenses. There are many options that need to be considered with moving forward. The Courts have relocated to the Robbinsville Court Office and many thanks to Robbinsville for opening up the space for the Courts and at this time they are not charging the Borough for the space.

Code Enforcement Update – Police tickets and summons for August were read. The Police Blotter to the media is back in place and the Officers are doing a good job after the Hurricane. There are some minor issues with graffiti on Stockton St. and noise; The Police have been working on these. Ms. McGinty commented on the drop in the number of tickets written. The Mayor isn't concerned because of the situation of the Hurricane. If, in the future, there is still a drop in the number of tickets, then there is an issue and it will need to be addressed at that time.

Mr. Raffetta gave a brief report about the Minute Maid and Rug Mill properties. There is only certain information that can be given to the public at this time as the litigation is on going. He went on to give the history of the litigation and where they are currently. He gave the dates of the written discovery and a possible settlement.

Mayor/Council/Administrative Comments –

Councilmember Woods – A wonderful day for the Fair and a great job done by Dave Babcock and Selena Bibens. It is nice to feel good about your community. There was no meeting for the Water/Sewer Department so there is no further update at this time.

Councilmember Vanderbeck – Had a great weekend at the Fair. There are some issues with the Construction/Code Enforcement. Since the Hurricane the number of sump pumps have increased. There is still the issue with satellites and asked the Council to have the attorney to look into amending the ordinance to address the satellites and sump pumps. Mr. Chin has some examples that can be looked at. There is also an issue with commercial vehicles parking in residential areas. Progress from the Hurricane is moving forward.

Council President Quattrone – Complimented the Fair and the concert for the Walking Bridge. The Borough has come a long way since the Hurricane. Public Works and all the volunteers have done a great job. Sergeant Gendrone has done a wonderful job since taking over after the Chief retired. He has moved his class at the Academy to April and has been accepted in that class. The search for the Police Director has been going great and the committee is in the process of narrowing down the applicants. The committee will be contacting the candidates soon to start the interview process.

Councilmember McGinty – Praises for the Fair. The Triathlon was also a huge success. Thank you for a job well done. A thank you letter should be sent to East Windsor for helping with the drinking water during the Hurricane. Letters should also be sent to all the volunteers who have come forward to help during the Borough's time of need. There are still questions that need to be answered in regards to the Police overtime and the PBA contract. The Stockton Street War Memorial has been restored and looks great. Codification services need to be addressed. Ms. McGinty also wanted it to be known that she votes no to the minutes because when there are corrections that need to be made, she feels that she is ignored.

Councilmember Gilmartin – It is amazing that it has been a month since the Hurricane and so many great events have taken place in the Borough; the 9/11 Event, the Triathlon, the Farmers Market, the Fall Festival and the concert to benefit the Walking Bridge have all been a huge success. There is a new director at the Hightstown Housing Authority, he has

been doing a great job targeting the overcrowding issue and has taken on a “0” tolerance. She is very impressed with the job being done to clean up the Housing Authority. She also requested minutes from the Water/Sewer meetings.

Councilmember Bibens – Thank you to Mike Theokas, he is doing great job since coming to the Borough. It is amazing at the work that has been done since Hurricane Irene; Hightstown is such a tight-knit community. The Triathlon was great, and there is a great video on the Patch for the Triathlon. The Harvest Fair was wonderful. The concert with the Nerds was fantastic – which is the only way to describe it. To all that were involved – “Thank you, Thank you, Thank you. I also want to give a special thank you to Gina (her daughter) who dressed as McGruff.

Council President Quattrone needs to have the paperwork signed for Sgt. Gendrone to attend the Police Academy in April. It is a great benefit to the Borough.

Mayor Kirson – The selection committee for the Police Director has been working with Mr. Theokas and is narrowing down the candidates.

Ms. Roberts – The issues of the Turnpike Expansion and Peddie Lake are being discussed. The issue of the Turnpike Authority coming down Franklin St. with snowplows during the storm resulting in the action was pushing of storm water into the homes during the Hurricane is also being addressed.

Councilmember Vanderbeck motioned to adjourn the meeting at 9:30 PM. Councilmember Bibens seconded. All ayes.

Respectfully Submitted,

Susan D. Jackson
Acting Deputy Borough Clerk