

Meeting Minutes
Hightstown Borough Council
Regular Meeting
February 21, 2012
7:30 pm

The meeting was called to order by Mayor Kirson at 7:34 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 sent to the *Trenton Times* and the *Windsor-Hights Herald*, and is posted in the Borough Clerk's office."

The flag salute followed Roll Call.

	PRESENT	ABSENT
<i>Councilmember Bibens</i>	✓	
<i>Councilmember Bluth</i>	✓	
<i>Councilmember Doran</i>	✓	
<i>Councilmember Quattrone</i>	✓	
<i>Councilmember Thibault</i>	✓	
<i>Councilmember Woods</i>	✓	
<i>Mayor Kirson</i>	✓	

Also in attendance: Debra Sopronyi, Borough Clerk; Michael Theokas, Borough Administrator; Frederick Raffetto, Borough Attorney; James LeTellier, Police Director; George Lang, CFO; and Carmela Roberts, Borough Engineer.

Councilmember Doran requested that resolutions 2012-84 and 2012-85 be pulled from the consent agenda with 2012-85 being acted upon after the taxi license ordinance discussion. Mr. Theokas suggested that a status update on the Hurricane Irene FEMA claim be added to discussion and that resolution 2012-80 be moved to Engineer items. Councilmember Doran moved the agenda for approval with the amendments as noted, Council President Quattrone seconded.

Mayor Kirson called for a roll call vote on the amended agenda.

Roll Call Vote: Council members Bibens, Bluth, Doran, Quattrone, Thibault, and Woods voted yes.

Agenda approved as amended, 6-0

Council President Quattrone moved the minutes of November 21, 2011 Open Session, December 5, 2011 Open and Executive Sessions, and December 19, 2011 Open Session for approval; Councilmember Bibens seconded. The Mayor called for a roll call vote for the approval of the minutes.

Roll Call Vote: Council members Bibens, Doran, Quattrone and Woods, voted yes. Council members Bluth and Thibault abstained.

Minutes approved with 4-0 vote with 2 abstentions.

Council President Quattrone moved the minutes of November 21, 2011 Executive Session, Councilmember Woods seconded. The Mayor called for a roll call vote for the approval of the minutes.

Roll Call Vote: Council members Bibens, Doran, Quattrone and Woods, voted yes. Council members Thibault and Bluth abstained.

Minutes approved with 4-0 vote with 2 abstentions.

Council President Quattrone moved the minutes of January 17, 2012 Executive Session, Councilmember Doran seconded. The Mayor called for a roll call vote for the approval of the minutes.

Roll Call Vote: Council members Bibens, Bluth, Doran, Quattrone and Woods, voted yes. Councilmember Thibault abstained.

Minutes approved with 5-0 vote with 1 abstention.

NJDOT Repairs to Route 33 Bridge over Rocky Brook

Mr. William Birch, Project Manager from the Department of Transportation, addressed Council and stated that due to damage sustained from Hurricane Irene the bridge on Route 33 (Main Street) must be reconstructed. He went on to advise that the project will be bid with a planned due date in April and award in May. The project is expected to take about four months to complete and will consist of repairs to the parapets and replacement of sidewalks. The parapets will be re-constructed just as they are now with the exception of being a little higher, using the same type rails; they will then pave from Stockton to Franklin and re-stripe. He went on to note that the project is estimated to cost \$1M.

In regards to the detour, Mr. Birch advised that they will be detouring trucks only using all State highways, as has been used before. One lane on Main Street will be used as a construction zone with the other two lanes being used for one lane going each way, alternating which lane will be used for what over the course of the project. Paving will be done at the end of the project and will be completed at night, with all other construction being done during the day. The State Police will be assisting the DOT with traffic control.

Mr. Birch then addressed Council's questions with the following information: the Project should begin in June and will consist of 8 – 10 hour days; the Memorial Park lot will remain open at all times; the staging area will be the contractors responsibility and arrangements with the Borough will have to be made accordingly; DOT has coordinated the detour route with the approval of East Windsor; deliveries will be able to get to the businesses but they will be inconvenienced; trucks will be able to go over the bridge but only if coming straight from North or South Main Streets, they will not be able turn from Franklin. Signage and the detour route were also discussed.

Carmela Roberts, Borough Engineer, noted that she had been advised during discussions with DOT that there was going to be a full truck detour around Hightstown with a message board being placed at the Turnpike exit to detour them to Route 133. She advised that the original detour route would be much safer without the trucks going over the bridge, as it is very narrow. She suggested that no trucks be permitted to go through the Borough during this construction project.

Mr. Birch advised that it is possible to detour all trucks and that he will discuss this matter with the NJDOT Resident Engineer and get back to Ms. Roberts. He went on to note that there will still be access to the Borough during the milling and paving portion of the project and that the scheduling will be coordinated with the Borough. There was further discussion regarding the detour and truck traffic and he advised that the detour will be 24 hours per day, not just during work hours, and there will be no expanded work area. There was some concern from the public regarding the access to public buses and it was noted that the NJDOT will work with NJ Transit and the Board of Education to re-route the buses during the project. Mr. Birch also noted that for safety during the project, pedestrians will only be able to cross the street at the intersections.

The Borough Council thanked Mr. Birch for attending and he departed the meeting at this time.

Greenway Walking Bridge Update

Mr. Darek Hahn, Chairperson of the Greenway Walking Bridge Committee, addressed Council and noted that the committee had raised approximately \$60,000.00 prior to Hurricane Irene, and presently has \$67,000.00. He stated that due to the hurricane, Dam Safety will not permit them to put the bridge back the way it originally was with the issues being the platforms, caps and ADA compliance. They were given two options, a higher (approximately one foot) short bridge with access ramps on each end or a longer length bridge; they have opted for the longer bridge as they found it to be more appealing and it fixes the ADA compliance issue without having to install ramps. An artist rendition, done by resident Rich Teller, of the bridge was then distributed to Council and shown to the public. Mr. Hahn advised that with the required changes in scope to the project, they will need \$95,000.00 vs. the \$70,000.00 originally thought and it will take longer for them to raise the necessary funds. They have two upcoming fundraisers, a Wine and Cheesecake Tasting at the Diner on March 30th and the Taste of Hightstown in Memorial Park on May 19th.

Mr. Hahn then addressed the two resolutions on the agenda for Council approval this evening. The first is an authorization for a contract with Lippincott Jacobs for necessary Engineering work for the bridge. He noted that the firm is familiar with the dam and have an existing relationship with Dam Safety. The other is support for the Taste of Hightstown, waiving the "No Liquor in the Park" ordinance so they could sell beer and wine at the event.

The Mayor complimented the Committee on their community effort and noted that they have done a spectacular job. Council then thanked Mr. Hahn for the update.

Resolution 2012-75 Rejecting All Bids for the Water Treatment Filter Project

Councilmember Bluth moved resolution 2012-75, Councilmember Doran seconded.

The Borough Engineer explained that the bids for this project came in higher than estimated; she believes it is due to the price of steel. After discussing the options with the Water Plant employees it was decided that they cannot cut back on the scope of work, so it should be re-bid.

Roll Call Vote: Council members Bibens, Bluth, Doran, Quattrone and Woods, voted yes. Councilmember Thibault abstained.

Resolution adopted, 5-0 vote with 1 abstention.

Resolution 2012-75

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

REJECTING ALL BIDS FOR WATER TREATMENT FILTER

WHEREAS, seventeen (17) bids were received on February 16, 2012 for the Water Treatment Filter for the Water Treatment Plant in Hightstown Borough; and

WHEREAS, all bids received exceed the engineer's estimate and the appropriation for this project and are found to be unreasonable; and

WHEREAS, the bids have been reviewed by the Borough Engineer and it is the Engineer's recommendation that all bids received for this project be rejected and the project re-bid in accordance with N.J.S.A. 40A:11-13(2); and

WHEREAS, this project is funded by the New Jersey Environmental Infrastructure Trust, the rejection of these bids and the project re-bid for this contract is conditional upon approval by the New Jersey Department of Environmental Protection; and,

WHEREAS, the Borough Attorney and Qualified Purchasing Agent concur with the Borough Engineer's recommendation; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that all bids received on February 16, 2012 for the Water Treatment Filter for the Water Treatment Plant in Hightstown Borough are hereby rejected and the Borough Engineer is hereby authorized to re-bid said project upon approval by the New Jersey Department of Environmental Protection.

Resolution 2012-76 Awarding a Contract for Zeta Lyte 305CVH Cationic Polyelectrolyte – Custom Environmental Technology, Inc.

Council President Quattrone moved resolution 2012-76, Councilmember Bibens seconded.

The Borough Engineer explained that the bids for this project came in higher than estimated; she believes it is due to the price of steel. After discussing the options with the Water Plant employees it was decided that they cannot cut back on the scope of work, so it should be re-bid. She went on to note that 8 out of the 9 capital projects have been awarded and there was discussion regarding the financing.

Roll Call Vote: Council members Bibens, Bluth, Doran, Quattrone and Woods, voted yes. Councilmember Thibault abstained.

Resolution adopted, 5-0 vote with 1 abstention.

Resolution 2012-76

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

**AWARDING A CONTRACT FOR ZETA LYTE 305CVH CATIONIC POLYELECTROLYTE –
CUSTOM ENVIRONMENTAL TECHNOLOGY, INC.**

WHEREAS, two (2) bids were received on January 31, 2012 for Zeta Lyte 305CVH Cationic Polyelectrolyte for the Advanced Wastewater Treatment Plant (AWWTP) in Hightstown Borough; and

WHEREAS, the lowest bid submitted by George S. Coyne Chemical Co. was for an "equal" product which has been tested by the Superintendent of the Advanced Waste Water Treatment Plant and it has been determined that it is not equivalent to the product needed to operate the plant; and

WHEREAS, the bids have been reviewed by the Borough Engineer and it is the Engineer's recommendation that a one year contract for the Zeta Lyte 305CVH Cationic Polyelectrolyte be awarded to the second lowest bidder Custom Environmental Technology, Inc. of Collegeville, Pennsylvania at a per unit price of \$16.10 per gallon with a total contract price of \$30,992.50; and

WHEREAS, said contract shall be effective March 1, 2012; and

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

WHEREAS, the Treasurer has certified that funds will be made available in the 2012 budget for said expenditure;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the contract for Zeta Lyte 305CVH Cationic Polyelectrolyte is hereby awarded to Custom Environmental Technology, Inc. of Collegeville, Pennsylvania at a per unit price of \$16.10 per gallon with a total contract price of \$30,992.50 effective March 1, 2012.

Resolution 2012-80 Authorizing an Agreement for Professional Engineering Services - Roberts Engineering Group

Council President Quattrone moved resolution 2012-80, Councilmember Doran seconded.

There was discussion regarding the estimated Water and Sewer costs and rates charged for development escrow.

Roll Call Vote: Council members Bibens, Bluth, Doran, Quattrone, Thibault, and Woods voted yes.

Resolution adopted, 6-0.

Resolution 2012-80

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

**AUTHORIZING AN AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES
ROBERTS ENGINEERING GROUP**

WHEREAS, there exists the need for specialized engineering services during 2012; and

WHEREAS, the Borough Council has appointed Carmela Roberts of Hamilton, New Jersey as Borough Engineer by resolution adopted by the Borough Council on January 2, 2012; and

WHEREAS, the cost for the proposed services shall not exceed \$42,000.00 without further approval by the Borough Council; and,

WHEREAS, funds for this purpose will be made available in the 2012 budget; and,

WHEREAS, the Borough Attorney has reviewed and approved the contract for execution by the Borough; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "professional services" without public advertising for bids and bidding, provided that the Resolution authorizing the contract and the contract itself are 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, it has been determined that the value of this contract may exceed \$17,500, and therefore the contract is also subject to the provisions of the State's Local Unit Pay-to-Play Law, N.J.S.A. 19:44A-20.4, *et seq.*; and

WHEREAS, the anticipated term of this contract is for one (1) year, and it may only be renewed upon further action of the Borough Council; and

WHEREAS, this contract is intended to be awarded as a "non-fair and open contract" pursuant to and in accordance with the Local Unit Pay-to-Play Law;

WHEREAS, Roberts Engineering Group has completed and submitted a Business Entity Disclosure Certification pursuant to the Local Unit Pay-to-Play law (specifically, at N.J.S.A. 19:44A-20.8), and has further submitted a certification that the firm is in compliance with the Borough's own Pay-to-Play ordinance (Section 2-59 of the *Revised General Ordinances of the Borough of Hightstown*);

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 authorized to execute and the Borough Clerk to attest an Agreement between the Borough of Hightstown and Carmela Roberts regarding the above-referenced professional engineering services, as set forth herein.
2. That this contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because Roberts Engineering Group is a firm whose engineers are authorized by law to practice a recognized profession.
3. That this contract is being awarded in accordance with the Local Unit Pay-to-Play Law and Section 2-59 of the Revised General Ordinances of the Borough of Hightstown, and the Business Disclosure Entity Certification, and other certifications required pursuant to same shall be placed on file with the contract.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be forwarded to Carmela Roberts, Borough Engineer; George Lang, Chief Financial Officer; and the Contract File.

The Mayor opened Public Comment Period I and the following individuals spoke:

Phyllis Deal, 305 Stockton Street – noted a street light out on Stockton Street and that she has not yet received an application from the Historic Preservation Commission for a plaque on her house.

Eugene Sarafin, 628 S. Main Street – commented regarding the Governor's tax cut, the Republican Party campaign for President, the proposed time limit on public comment and noted that the presentations tonight gave good insight.

Scott Caster, 12 Clover Lane – stated that the Water/Sewer Committee was not developed as public committee, it was a Department Head meeting and that OPMA requirements do not apply.

Darek Hahn, 102 Manlove – asked for police coverage on Manlove due to the turnpike dump trucks using it as a thoroughfare.

There being no further comments, Mayor Kirson closed the Public Comment Period.

Resolution 2012-77 Authorizing the Payment of Bills

Council President Quattrone moved Resolution 2012-77 without items E0577 and N0275; Councilmember Bibens seconded.

Roll Call Vote: Council members Bibens, Bluth, Doran, Quattrone, Thibault, and Woods voted yes.

Councilmember Thibault moved item E0577; Councilmember Bibens seconded.

Roll Call Vote: Council members, Bibens, Bluth, Doran, Quattrone, and Thibault voted yes; Councilmember Woods abstained.

Councilmember Thibault moved item N0275; Councilmember Bibens seconded.

Roll Call Vote: Council members, Bibens, Doran, Quattrone, Thibault, and Woods voted yes; Councilmember Bluth abstained.

Resolution adopted, 4-0, with two abstentions.

Resolution 2012-77

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 Department Head and the Treasurer

in the amount of \$ 766,720.29 from the following accounts

Current	\$	697,816.45
W/S Operating		52,611.34
General Capital		154.44
Water/Sewer Capital		12,017.82
Grant		
Trust		
Housing Trust		-
Animal Control		
Law Enforcement Trust		
Housing Rehab Loans		-
Unemployment Trust		3,123.74
Escrow		996.50
		<hr/>
Total	\$	<hr/> 766,720.29 <hr/>

Resolution 2012-78 Authorizing Emergency Temporary Appropriations Prior to Adoption of the 2012 Budget

Councilmember Woods moved Resolution 2012-78; Council President Quattrone seconded.

George Lang, CFO, gave an explanation of the resolution.

Roll Call Vote: Council members Bibens, Bluth, Doran, Quattrone, Thibault, and Woods voted yes.

Resolution adopted as amended, 6-0.

Resolution 2012-78

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

**AUTHORIZING EMERGENCY TEMPORARY APPROPRIATIONS
PRIOR TO ADOPTION OF THE 2012 BUDGET**

WHEREAS, an emergent condition has arisen with respect to inadequate appropriation balances remaining in some line items of the 2012 temporary budget; and

WHEREAS, N.J.S.A. 40A:4-20 provides for the creation of emergency appropriations for the purposes above mentioned; and

WHEREAS, it is the desire of the Mayor and Council to create emergency temporary appropriations as set forth on Schedule "A," attached; and

WHEREAS, the total emergency temporary appropriations in resolutions adopted in the year 2011 pursuant to the provisions of N.J.S.A. 40A:4-20 (Chapter 96, P.L. 1951, as

amended), including this resolution, total:

	<i>THIS RESOLUTION</i>	<i>PREVIOUS TOTAL</i>	<i>CUMULATIVE TOTAL</i>
Current	132,000.00	0.00	132,000.00
Capital Outlay – Current	0.00	0.00	0.00
Debt Service - Current	0.00	0.00	0.00
Water/Sewer	125,000.00	0.00	125,000.00
Capital Outlay – W/S	0.00	0.00	0.00
Debt Service - W/S	0.00	0.00	0.00
TOTAL	257,000.00	0.00	257,000.00

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Hightstown (not less than two-thirds of all the members of thereof affirmatively concurring) that, in accordance with N.J.S.A. 40A:4-20:

1. An emergency temporary appropriation is hereby made for each item listed on the schedules that are attached hereto and made a part hereof.
2. Each emergency appropriation listed will be provided for in the 2012 budget under the same title as written herein;
3. One certified copy of this resolution will be filed with the Director of Local Government Services, and a copy provided to the Treasurer.

Resolution 2012-79 Authorizing an Agreement for Professional Engineering Services for the Greenway Walking Bridge – Lippincott Jacobs Consulting Engineers

Councilmember Bibens moved resolution 2012-79; Council President Quattrone seconded.

Councilmember Thibault noticed that there was an error in the resolution that read funds would be made available by the Borough. He moved to amend the resolution to read that funds would be provided from the Greenway Walking Bridge Trust Fund; Councilmember Bibens seconded.

Roll Call Vote: Council members Bibens, Bluth, Doran, Quattrone, Thibault, and Woods voted yes.

Resolution amended, 6-0

The Mayor called for a roll call vote on the amended resolution.

Roll Call Vote: Council members Bibens, Bluth, Doran, Quattrone, Thibault, and Woods voted yes.

Resolution adopted as amended, 6-0

Resolution 2012-79

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

**APPOINTING AND AUTHORIZING AN AGREEMENT FOR PROFESSIONAL ENGINEERING
SERVICES FOR THE GREENWAY WALKING BRIDGE – LIPPINCOTT JACOBS
CONSULTING ENGINEERS**

WHEREAS, there exists the need for specialized engineering services relative to the Greenway Walking Bridge at Peddie Lake during 2012; and

WHEREAS, Borough Council wishes to appoint Lippincott Jacobs Consulting Engineers to perform these special services under the advice of the Greenway Walking Bridge Committee; and

WHEREAS, the cost for the proposed services shall not exceed \$19,900.00 without further approval by the Borough Council; and,

WHEREAS, funds for this purpose are available in the Greenway Bridge Trust; and,

WHEREAS, the execution of said contract shall be subject to review and approval of the Borough Attorney; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for “professional services” without public advertising for bids and bidding, provided that the Resolution authorizing the contract and the contract itself are 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, it has been determined that the value of this contract may exceed \$17,500, and therefore the contract is also subject to the provisions of the State’s Local Unit Pay-to-Play Law, N.J.S.A. 19:44A-20.4, *et seq.*; and

WHEREAS, the anticipated term of this contract is for one (1) year, and it may only be renewed upon further action of the Borough Council; and

WHEREAS, this contract is intended to be awarded as a “non-fair and open contract” pursuant to and in accordance with the Local Unit Pay-to-Play Law;

WHEREAS, Lippincott Jacobs Consulting Engineers has completed and submitted a Business Entity Disclosure Certification pursuant to the Local Unit Pay-to-Play law (specifically, at N.J.S.A. 19:44A-20.8), and has further submitted a certification that the firm is in compliance with the Borough’s own Pay-to-Play ordinance (Section 2-59 of the *Revised General Ordinances of the Borough of Hightstown*);

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 authorized to execute and the Borough Clerk to attest an Agreement between the Borough of Hightstown and Lippincott Jacobs Consulting Engineers regarding the above-referenced professional engineering services, as set forth herein.
2. That this contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because Lippincott Jacobs Consulting Engineers, LLC is a firm whose engineers are authorized by law to practice a recognized profession.
3. That this contract is being awarded in accordance with the Local Unit Pay-to-Play Law and Section 2-59 of the Revised General Ordinances of the Borough of Hightstown, and the Business Disclosure Entity Certification, and other certifications required pursuant to same shall be placed on file with the contract.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be forwarded to Lippincott Jacobs Consulting Engineers; George Lang, Chief Financial Officer; and the Contract File.

Resolution 2012-81 Supporting the Taste of Hightstown Fundraising Event for the Greenway Walking Bridge and Waiving Fees Associated with Borough Permits

Councilmember Doran moved resolution 2012-81; Councilmember Woods seconded.

Roll Call Vote: Council members Bibens, Bluth, Doran, Quattrone, Thibault, and Woods voted yes.

Resolution adopted, 6-0

Resolution 2012–81

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

**SUPPORTING THE “TASTE OF HIGHTSTOWN” FUNDRAISING EVENT FOR THE
GREENWAY WALKING BRIDGE AND WAIVING FEES ASSOCIATED WITH BOROUGH
PERMITS**

WHEREAS, the Walking Bridge Committee is sponsoring “Taste of Hightstown”, a fundraising event on May 19, 2012 in Memorial Park from 3:00pm to 7:00pm; and

WHEREAS, the Mayor and Council supports the proposal as set forth below.

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

1. The Borough hereby supports the Walking Bridge Committee event “Taste of Hightstown”
2. The Borough agrees to waive the “no alcohol in the parks” ordinance for this Borough event
3. The Committee shall secure all required permits for the event and the Borough shall waive any fees due the Borough for such permits, however all permit applications will still be required to be filed with and approved by the Borough.
4. The Committee shall secure insurance coverage for the event, through the Borough Insurance (JIF)
5. The Committee shall work with all Borough safety personnel to ensure a safe enjoyable event for the community and surrounding area

Resolution 2012-82 Appointing an Acting Lieutenant – Sgt. Frank Gendron

Council President Quattrone moved resolution 2012-82; Councilmember Doran seconded.

Police Director LeTellier explained the statute requirements and that this appointment is necessary for criminal investigations, and there must be a responsible party for policing duty actions. He noted that Sgt. Gendron was appointed as “Acting Director” and did an outstanding job so it is appropriate at this time that he is appointed “Acting Lieutenant”. There was discussion regarding the need to develop a promotional process and chain of command; you must give all Sergeants the opportunity to apply for the Lieutenant position. It was decided that an ad-hoc committee would be appointed to develop and recommend to Council a promotional process and chain of command in the Police Department.

Roll Call Vote: Council members Bibens, Bluth, Doran, Quattrone, and Woods voted yes; Councilmember Thibault abstained.

Resolution adopted, 5-0 with one abstention

Resolution 2012–82

BOROUGH OF HIGHTSTOWN

COUNTY OF MERCER

STATE OF NEW JERSEY

APPOINTING AN ACTING LIEUTENANT – SGT. FRANK GENDRON

WHEREAS, the Borough Council has appointed a civilian Police Director to administer the Police Department; and

WHEREAS, it is necessary to appoint a Lieutenant to directly supervise the performance of the law enforcement duties in the Police Department including but not limited to issuing firearm permits, conducting or directing criminal and/or internal affairs investigations; and

WHEREAS, James LeTellier, Police Director, has recommended that Sgt. Frank Gendron assume the duties and salary of Lieutenant effective Tuesday, February 7, 2012.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Hightstown, that Sgt. Frank Gendron is hereby appointed as Acting Lieutenant for the Borough of Hightstown Police Department effective February 7, 2012 at the designated Lieutenant salary.

Resolution 2012-83 Establishing a Three-Minute Time Limit Per Individual during Public Comment Period(s) at Borough Council Meetings

Council President Quattrone moved resolution 2012-83; Councilmember Woods seconded.

There was discussion regarding the right of the public to speak and the possibility of limiting the first public comment period to “Agenda Business Only”. Councilmember Thibault moved that this resolution be tabled, Councilmember Woods seconded.

All Ayes

Resolution tabled 6-0.

February 21, 2012

Resolution 2012-84 Supporting in Concept the Sustainable Raritan River Initiative

Councilmember Thibault moved resolution 2012-84; Councilmember Woods seconded.

Mayor Kirson advised that he and Mr. Theokas had met with Rutgers regarding stormwater control. Mr. Theokas explained that the purpose of this resolution is to study the effects as a community and work as a team with other municipalities. There was concern over what the obligations of the Borough would be should this resolution be adopted. It was suggested that this resolution be sent to the Environmental Commission for a determination and written recommendation.

Councilmember Doran moved to table this resolution until a determination is received from the Environmental Commission; Councilmember Thibault seconded.

All Ayes.

Resolution tabled, 6-0

Consent Agenda Resolutions 2012-86, 2012-87, 2012-88, 2012-89, 2012-90

Council President Quattrone moved the Consent Agenda; Councilmember Woods seconded.

Roll Call Vote: Council members Bibens, Bluth, Doran, Quattrone, Thibault, and Woods voted yes.

Resolutions adopted, 6-0

Resolution 2012-86

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

**AWARDING A CONTRACT FOR SELF-CONTAINED TRAILER MOUNTED VACUUM FOR
PUBLIC WORKS DEPARTMENT – VERMEER NORTH AMERICA**

WHEREAS, three (3) bids were received on February 9, 2012 for a Self- Contained Trailer Mounted Vacuum for the Public Works Department; and,

WHEREAS, the bids have been reviewed by the Qualified Purchasing Agent and Public Works Superintendent and it is their recommendation that the contract for a Self- Contained Trailer Mounted for the Public Works Department be awarded to the lowest bidder Vermeer North America of Lumberton, New Jersey at the price of \$49,046.00; and,

WHEREAS, the execution of this contract is subject to the review and approval of the Borough Attorney to assure that the bid submitted by Vermeer North America of Lumberton, New Jersey is in order with respect to legal compliance; 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 contract for a Self-Contained Trailer Mounted Vacuum for the Public Works Department is hereby awarded to Vermeer North America of Lumberton, New Jersey at the price of \$49,046.00.

Resolution 2012-87

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

**AUTHORIZING RENEWED SHARED SERVICES AGREEMENT WITH EAST WINDSOR
TOWNSHIP FOR SENIOR SERVICES**

WHEREAS, with the adoption of Resolution 2011- 58 on March 7, 2011, the Borough Council approved a Shared Services Agreement with the Township of East Windsor for the provision of Senior Services for the period March 1, 2011 through February 29, 2012; and

WHEREAS, the parties desire to enter into a successor agreement to continue the provision of Senior Services to the Borough by the Township of East Windsor through February 28, 2013; 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 Senior Services for the period March 1, 2012 through February 28, 2013; and

WHEREAS, the Borough's net share of costs for these services, by the terms of this agreement, will be Twenty-Five Thousand Eight Hundred Ninety-Five Dollars (\$25,895.00) for this 12-month period; and

WHEREAS it is the intention of the Mayor and Council to provide adequate funding for this expenditure in the 2012 and 2013 budgets;

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

1. The Shared Services Agreement with the Township of East Windsor for Senior Services for the period March 1, 2012 through February 28, 2013 is hereby approved, in accordance with the provisions of N.J.S.A. 40:65-1 et seq.
2. The Mayor and Borough Clerk are hereby authorized and directed to execute the agreement for same.
3. This agreement is approved subject to the provision of adequate funds in the Borough's 2012 and 2013 budgets.

Resolution 2012-88

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

DESIGNATING BUS STOPS ALONG NEW JERSEY ROUTE 33 (FRANKLIN STREET)

WHEREAS, the Borough of Hightstown, in the County of Mercer, has received a proposal to consider certain prohibitions along State Highway Route 33 (Franklin Street) thereof.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that, in accordance with the provisions of s.78, c.23.L.1951 (c. 39: 4-138,1), certain parts of State Highway Route No. 33 described herein below shall be, and hereby are, designated and established as no parking zones where parking is prohibited at all times, and in accordance hereby New Jersey Transit is requested to erect appropriate signs at the following established bus stops, and the Commissioner of Transportation is requested to adopt a regulation to effect the following:

1. Along State Highway Route 33 (Franklin street), eastbound on the southerly side thereof at:

- a. Broad Street – (Near Side)
Beginning at the prolongation of the westerly curblin of Broad Street and extending 105 feet westerly therefrom. (In front of the Hightstown Library).

2. Along State Highway Route 33 (Franklin street), westbound on the northerly side thereof at:

- a. Broad Street – (Near Side)
Beginning at the easterly curblin of Broad Street and extending 105 feet easterly therefrom.

Resolution 2012-89

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

AUTHORIZING A REFUND FOR A PLUMBING PERMIT

WHEREAS, P. R. Sanders, Inc. of Voorhees, New Jersey paid for plumbing permit #20110266 with check #35785 in the amount February 21, 2012

of \$124.00; and

WHEREAS, \$120.00 was deposited into account #1-01-08-160-600 and \$4.00 was deposited into account #1-01-08-105-612; and

WHEREAS, the permit was issued for a hot water heater replacement at 326 North Main Street due to flood damage from Hurricane Irene; and

WHEREAS, the Borough Council authorized the waiving of permit fees for repairs necessitated due to damage caused by Hurricane Irene, at the discretion of the Construction Official; and

WHEREAS, the Construction Official has requested that a refund of the \$124.00 paid for said permit 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 \$124.00 to P. R. Sanders, Inc. of 100 Park Drive, Voorhees, New Jersey 08043, for a plumbing permit as stated within.

Resolution 2012-90

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

**AUTHORIZING THE ISSUANCE OF AUCTION LICENSE – PHILADELPHIA ESTATE
LIQUIDATORS**

WHEREAS, an application for a license to hold an auction on Saturday, March 10, 2012 (snow/rain date Saturday, March 17, 2012) at 278 Monmouth Street in the Borough of Hightstown has been submitted by Philadelphia Estate Liquidators, together with the required fee; and

WHEREAS, the application has been reviewed and approved by the Police Director; and

WHEREAS, it is the desire of the Mayor and Council that a license be issued to Philadelphia Estate Liquidators for this event.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Borough Clerk is hereby authorized to issue a license to Philadelphia Estate Liquidators for their auction to be held on Saturday, March 10, 2012 (snow/rain date Saturday, March 17, 2012) at 278 Monmouth Street.

Taxi License Ordinance

The Borough Attorney explained that he has evaluated ordinances within Mercer County and reviewed the possibility of a shared service for Taxi licenses; Council felt it was too late for this year, but the Attorney should review the possibility for next year.

There was discussion regarding adding the Driver definition, the limit on the number of licenses to be issued, restriction for the transfer of a license, required insurance limits, consent on the issuance of license, denial appeal process, annual fees, points permitted for licensing and the revocation hearing process.

Discussion continued regarding the requirement that vehicles be inspected annually by the Hightstown Police Department. Police Director LeTellier advised that inspections occur for DMV requirements and if the Borough inspects for additional safety items then the Borough is assuming liability; Council decided that they should eliminate the Borough inspections.

The Borough Attorney was charged with preparing an ordinance for the next meeting which would address their discussions and concerns.

Resolution 2012-85 Authorizing a Temporary Extension of 2011 Taxicab Driver's and Taxicab Owner's Licenses and Establishing a Moratorium on the Issuance of New Taxicab Driver's and Taxicab Owner's Licenses

There was concern as to whether there was enough time to adopt the ordinance and permit the taxis to get licensed with the April 16, 2012 date in the resolution. After discussion it was determined that the date for the extension of licenses should be May 7, 2012.

Councilmember Thibault moved an amendment to resolution 2012-85 that changed the date for the moratorium and re-licensing to May 7, 2012; Councilmember Woods seconded.

Roll Call Vote: Council members Bibens, Bluth, Doran, Quattrone, Thibault, and Woods voted yes.

Amendment adopted, 6-0

Councilmember Woods moved resolution 2012-85 as amended; Councilmember Bibens seconded.

Roll Call Vote: Council members Bibens, Bluth, Doran, Quattrone, Thibault, and Woods voted yes.

Resolution adopted as amended, 6-0

Resolution 2012-85

A RESOLUTION AUTHORIZING A TEMPORARY EXTENSION OF EXISTING 2011 TAXICAB DRIVER'S AND TAXICAB OWNER'S LICENSES, AND THE MORATORIUM ON THE ISSUANCE OF 2012 TAXICAB DRIVER'S AND TAXICAB OWNER'S LICENSES

WHEREAS, the Borough has previously issued a number of taxicab driver's and taxicab owner's licenses for the year 2011, pursuant to Section 4-21 of the Revised General Ordinances of the Borough of Hightstown (also referenced as the "Borough Code"); and

WHEREAS, a subcommittee has been appointed by Mayor Steven Kirson to examine the Borough's taxicab ordinance, and to make recommendations to Council regarding changes to said ordinance and to the regulations included therein; and

WHEREAS, resolution 2011-271 adopted by the Hightstown Borough authorized a temporary extension of existing 2011 taxicab driver's and taxicab owner's licenses until March 5, 2012 or such time that the Council adopts a revised ordinance, whichever occurs first; at which time the required fee, application and associated paperwork will be required to be submitted in accordance with the newly adopted ordinance

WHEREAS, Council is still in discussion regarding revisions to the ordinance and has found that the moratorium should be extended until April 16, 2012 to allow time for the adoption of the ordinance and approval of licensees.

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

1. That the Borough hereby authorizes a temporary extension of existing valid 2011 taxicab driver's and taxicab owner's licenses until April 16, 2012; at which time the required fee, application and associated paperwork will be required to be submitted in accordance with the newly adopted ordinance.
2. That, during this period, there shall be a moratorium on the issuance of any new taxicab driver's or taxicab owner's licenses for 2012.
3. That a certified copy of this Resolution shall be provided to:
 - a. Each 2011 taxicab licensee
 - b. William Schmeling, Zoning Officer
 - c. James K. LeTellier, Police Director

Codification Services

Council compared the quotes presented by the Borough Clerk and Councilmember Bluth confirmed that the companies brought forward by the Clerk are the only codification companies doing business in New Jersey. After discussion, it was decided that Gallagher Codification would be given the contract.

FEMA Update

Mr. Theokas explained that an evaluation of Borough Hall is being done and he is in constant communication with FEMA and the insurance. Once all the data has been compiled he will present it to Council. He advised that it would be counter-productive to discuss this before receiving the information as the discussion will be dictated by FEMA and insurance determinations. The decisions made regarding Borough property will affect the Borough years into the future, so it is essential to have all of the information before going into discussion.

The cost for rebuilding the utility plants has already been received from the insurance. We have spent approximately \$1.3M and have received partial reimbursement to-date and the cost estimate to re-build Borough Hall is approximately \$3M. He will bring an update to the next meeting.

Mayor Kirson opened the Public Comment Period II and the following individuals spoke during the period:

Darek Hahn, 102 Manlove – noted that the issue with taxis is enforcement; he commented that he appreciates the work the Borough Administrator has done with FEMA.

Scott Caster, 12 Clover Lane – commented regarding taxi licensing, bicycles riding on sidewalks and that he appreciates the work the Borough Administrator has done with FEMA.

Dave Bell, 115 First Avenue – commented regarding the inspection of taxis and the enforcement of the ordinance.

Rose Crowell, 152 Broad Street – commented that she does not like the idea of a time limit for the public but that limiting the first comment period to agenda items is a good idea.

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

Mayor/Council/Administrative Comments and Committee Report

Councilmember Doran – noted that the joint meeting of the Planning Board and Council meeting regarding Affordable Housing Spending Plan took place; a meeting with East Windsor regarding the Route 130 Corridor Study will be held in March; Labor Counsel interviews are ongoing; the Environmental Commission is working on the stormwater ordinance; the taxi licensing ordinance should only license to use stands or by pick-up calls and not permit cruising.

Councilmember Woods – commented that the Water/Sewer Departments are working on delinquent bills and a shut-off policy; the rotary fan press should be in place by October 2012; a flow study may be conducted in the future to schedule necessary repairs; she found the NJDOT discussion helpful.

Councilmember Bibens – commented that she found the transparency discussion at the last meeting as one-sided because personal opinions interfered and she thinks resolution 2012-59 should be rescinded because it only affects the Water/Sewer Department meeting, which is only a department meeting; guidelines for public comment periods are needed; the Parks and Recreation Commission is very busy with improvements to Association Park; the Route 33 bridge presentation was very good and this project will benefit the Borough; she thanked Mr. Theokas for the update.

Councilmember Bluth – commented that this was a good meeting with good discussion; the Walking Bridge presentation was very good; she has trepidations about traffic during the Route 33 bridge construction.

Councilmember Thibault – stated that the Board of Health is staying on top of food licensing; there has been a noro virus outbreak at Meadow Lakes; the Water/Sewer Committee is a public body and any determination otherwise should be made by the Borough Attorney; it is absurd to try to meet the Affordable Housing regulations when they are so undeveloped; we need to be proactive when providing information to the public; the public has a right to speak at the meetings.

Council President Quattrone – commented that the papers said he voted against transparency, which is not true... he is all for transparency, and Hightstown Borough makes sure that executive session topics are the only topics discussed in executive session, all business is conducted in public; the Memorial Day parade committee has met; the Water/Sewer committee was formed so Council did not have to discuss the departments in such detail at meetings, it was not formed to be a public committee, it is a department head workshop group.

Mayor Kirson – noted that Hightstown can lose \$370,000.00 in Affordable Housing funds if it is not committed and it is important to keep this money in our community; he was thankful that NJDOT came to the meeting tonight; he agreed that this was a productive meeting.

Mr. Theokas advised Council that he would like to have the Clerk notice Wednesday, March 7th and Monday, March 12th as budget workshop meetings at the Historical Society Building at 7:00 pm, so the budget can be introduced at the March 19th Council meeting.

Councilmember Bibens noted that the East Windsor Association is hosting “Teacher for a Day” on March 22nd.

Mayor Kirson asked for a motion to adjourn the meeting. Councilmember Woods moved to adjourn at 11:40 pm, Council President Quattrone seconded. All ayes.

Respectfully Submitted,

Debra L. Sopronyi, RMC
Borough Clerk