

**Meeting Minutes**  
**Hightstown Borough Council**  
**Regular Meeting**  
**May 7, 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; and Frederick Raffetto, Borough Attorney.

**Resolution 2012-125 Authorizing a Meeting Which Excludes the Public**

Council President Quattrone moved resolution 2012-125, Councilmember Bibens seconded.

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

Resolution adopted, 5-0

Resolution 2012-125

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

**AUTHORIZING A MEETING WHICH EXCLUDES THE PUBLIC**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that this body will hold a meeting on May 7, 2012 at approximately 6:30 pm in the First Aid Building located on Bank Street, Hightstown 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

Contract Negotiations – East Windsor Regional School District

Stated as precisely as presently possible the following is the time when and the circumstances under which the discussion conducted at said meeting can be disclosed to the public: August 7, 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.

The public meeting was called to order by Mayor Kirson at 7:34 pm and he again read the Open Public Meetings Act statement.

The Flag Salute was followed by roll call which has remained the same. George Lang, CFO; James LeTellier, Police Director; and Carmela Roberts, Borough Engineer, joined the meeting at this time.

Councilmember Woods requested that the Hurricane Irene Update be moved up to prior to the Engineering Items; Councilmember Bluth requested that public comment I be moved up to follow the Hurricane Irene discussion, and Councilmember Doran requested that resolutions 2012-133 and 2012-134 be added to the agenda.

Council President Quattrone moved the agenda for approval with the amendments as noted, Councilmember Woods seconded.

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

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

Agenda approved as amended, 5-0.

Councilmember Bibens moved the minutes of the April 2, 2012, Open and Executive Sessions for approval; Council President Quattrone 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.

Minutes approved 5-0.

Council President Quattrone moved the minutes of the April 3, 2012, Open and Executive Sessions for approval; Councilmember Woods seconded. The Mayor called for a roll call vote for the approval of the minutes.

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

Minutes approved 4-0 with one abstention.

### **Hurricane Irene Update**

Mr. Theokas advised that there had been a meeting with the insurance this morning and we should be receiving a spreadsheet regarding the payments issued and that the Borough Hall building and code updates were discussed during the meeting. He noted that the Mayor, Councilmember Woods, George Chin (Construction Official), Rick Perez (Architect) and Mike Theokas were present at the meeting; from Lexington Insurance was the claims adjuster, Mr. Trump and from the MEL JIF was a code expert, intermediary claims adjuster and the man responsible for motorization from utilities. He also noted that he and the Mayor have been in contact with various Legislators seeking their support to get the matter resolved.

The Mayor commented that the code specialist noted that the building will have to be brought up to code in order to re-inhabit the facility; and that if 50% of the market value of the building is damage assessed, it may be necessary to demolish the building. He went on to explain overages and that discussion with the insurance is ongoing; resolution 2012-127 may be affected by the outcome of the discussion.

Councilmember Woods stated that she has been in contact with Freeholder Lucy Walter. She then distributed and reviewed the flood map process and timeline. She noted that she had asked the adjuster about FEMA stopping the flood map process and taking the building out of the flood zone; of our options are not being followed up. She commented that there is no straight answer from the insurance on the matter.

Mr. Theokas advised that to-date \$592,000 has been received from the insurance for the utility plants and the use and occupancy agreement with Lucas. He noted that FEMA pays 75% of what insurance does not pay, so the reimbursement received from FEMA will be dependent upon what is received from the insurance.

There was discussion regarding FEMA and insurance, and the 50% rule determination applying to the building as whole, not in separate parts or sections. The Mayor noted that the 50% rule applies to market value prior to the flood.

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

The Mayor asked that anyone wishing to speak regarding the taxi ordinance, please speak during the public hearing for that ordinance and reserve the public comment period for other comments.

Steve Misiura, 352 S. Main Street and Planning Board Chairperson – commented that Council direction appears to be to re-occupy the Borough Hall and he asked that Council consider the Rug Mill re-development as the re-development zone includes the Borough Hall property. He noted that that retail/commercial needs Main Street frontage and it is already in the plan to have Borough Hall demolished and re-located; to put money into Borough Hall is a short-term solution that interferes with long-term re-development plans. The Rug Mill property is more valuable without Borough Hall in its present location.

George Serrano, 4 Westerlea Avenue – inquired about the Fire Department, it has already been repaired. Shouldn't the Fire Department be considered in the re-development plan? Borough Hall can be repaired, the employees are working on top of each other and they need a place to work.

Dimitri Musing, 137 Stockton Street – commented that the Fire Department should not be moved now, if there should be a flood in the future, EMS need a place to work from. He then reviewed the options previously discussed by Council regarding Borough Hall, and offered an additional option of rent/lease from Lucas with a purchase option; this way it will not be taken off of the tax role. He recommended that Council table the resolution for the RFP to continue discussion and encouraged Council to come up with a plan looking out for 10 to 20 years.

Melanie Iolio, 158 Grant Avenue – commented that the federal process is slow and complicated; the Borough should hire an advocate to assist with the claims.

Eugene Sarafin, 628 S. Main Street – commented that in 1976 N.J.S.A. 10:46, the Sunshine Law, was passed and the resolution on the agenda regarding OPRA is stupid.

Bill Gilmore, 219 Greeley Street – noted that he is a representative of GHEWIP and that Mr. Musing's points are right on point. Council should take into account the Planning Board's Master Plan in the decision making process. He said that GHEWIP has performed a SWOT exercise and it is apparent that Borough Hall should be re-located. He encouraged Council to consider the decision they make now will last 20 to 50 years and they should be investing in the re-development plan, not Borough Hall.

J P Gibbons, 602 S. Main Street – commented that he has said several times that the borough should hire a consultant to work with FEMA. Resolution 2012-127 is needed to determine the cost to rehabilitate Borough Hall; a RFP is simply a request for a proposal, and does not obligate the Borough to a contract. He noted that he will support any idea that makes sense and if consolidation is the plan, Council should just say so. He inquired as to why the RFP only asks for an architect, not a contractor and why the range in the salary ordinance is so broad. He thinks Council should raise the lower level of the ranges to narrow them.

Fran Palumbo, 101 Main Street - commented that this weekend is Cinco De Mayo and there is a rally in the municipal lot; the lot is for shoppers and patrons of Borough businesses. She also noted that the police called her on Friday and made her patrons move their cars so the trailer for the rally could be put in place.

John Archer, 131 Bennett Place – thanked Council for the RFP, we need to know the cost associated with Borough Hall; he also noted that the Broad Street property is available.

Dan Buriak, 194 Stockton Street – commented that he believes the objective for Borough Hall is to do what is best for the Borough. He noted that public comment is not for self-promotion and theatrics; it should be used for what it was intended. He went on to state that the Route 33 corridor shows commercial movement and Main Street will expand down Route 33; a plan is needed to balance the shift. Borough Hall should not be where it is presently, and that was known before the hurricane; the Borough should be looking at a fifty year plan.

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

#### **Resolution 2012-126 Authorizing Payment #3 – Earle Asphalt Company (Various Road Improvements)**

Council President Quattrone moved resolution 2012-126, Councilmember Woods seconded.

There was discussion regarding the puddling of water at sites on this project.

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

Resolution approved 5-0.

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

**AUTHORIZING PAYMENT # 3 – EARLE ASPHALT COMPANY (VARIOUS ROAD IMPROVEMENTS)**

**WHEREAS**, on October 17, 2011, the Borough Council awarded a contract for Various Road Improvements to Earle Asphalt Company of Farmingdale, New Jersey in the amount of \$331,313.13; and

**WHEREAS**, the contractor has submitted payment request #3 for work done in the total amount of \$232,417.10; and

**WHEREAS**, the amount of this payment for general construction; and

**WHEREAS**, the Borough Engineer has recommended approval of payment #3 to Earle Asphalt Company in the amount of \$232,417.10; and

**WHEREAS**, the required certified payrolls have been submitted; and

**WHEREAS**, the Treasurer has certified that funds are available for this expenditure.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that Payment Request No. 3 from Earle Asphalt Company of Farmingdale, New Jersey in the amount of \$232,417.10 is hereby approved as detailed herein, and the Treasurer is authorized to issue same.

**Resolution 2012-127 Authorizing the Engineer to Request Proposals for Architects to Provide Professional Services for Evaluation, Reporting, Drawings, and Specifications, Bidding Assistance, Construction, Administration and Site Visits for Remediation and Restoration of Hightstown Borough Hall**

Councilmember Bluth moved resolution 2012-127, Councilmember Woods seconded.

The Borough Engineer explained the need for Architectural services for mold, barrier free and code; she noted that the Architect will evaluate the building and design specifications to go to bid for the actual work to be done. The request also stipulates the use of an Environmental Engineer and/or specialist. There was discussion regarding the cost, scope of work, resident comments and long term plans for Borough Hall.

Council directed the Borough Clerk to advertise for a special meeting on Wednesday, March 30, 2012 at 7:00pm to discuss Borough Hall. This meeting should be noticed that no action will be taken at the meeting. The location of said meeting will be forthcoming as the Borough Clerk must confirm a location,

Councilmember Bluth withdrew her motion to move resolution 2012-127.

**Ordinance 2012-02 Final Reading and Public Hearing – An Ordinance Amending and Supplementing Section 4-21, Entitled “Taxicab Licensing” of the Revised General Ordinances of the Borough of Hightstown, New Jersey**

The Mayor opened the Public Hearing regarding ordinance 2012-02 and the following individuals spoke:

Eugene Sarafin, 628 S. Main Street – announced he is present.

Carlos Quirivumbay, Yellow Cab – commented that the business owners in Hightstown have expressed that lowering the number of cabs would be detrimental to their business.

Guilliano Saquela, TuAmigo Taxi – stated that his company has a bond with its customers and having only four cabs in town would not permit transport time for them; he feels that Hightstown is suppressing the American dream.

J P Gibbons, 602 S. Main Street – inquired as to how many cabs are presently licensed in Hightstown and noted that to his knowledge there are only 18 licensed; 20 licenses is fair. What is in the ordinance allows for equal chance of work for all cab companies and he encouraged Council to adopt the ordinance.

Lucia Cruse, Manager of Mercer Street Grill in Hightstown - commented that she uses TuAmigo taxi daily and they are very dependable and responsible; Hightstown should embrace the taxi businesses since they benefit Hightstown.

Fran Palumbo, 101 Main Street – offered the upstairs of the Tavern for use for the Borough Hall meeting if needed. She then noted that she finds TuAmigo to be the most reliable taxi for her patrons.

George Serrano, 4 Westerlea Avenue – inquired as to how the Borough differentiates cabs from car pools and how they will find illegal cabs.

Isabel McGinty, 152 Broad Street – commented that she reviewed the licensing procedure and fees in the ordinance and inquired as to how the Borough will charge fees for the number of vehicles when it reads four vehicles to be licensed at one time. She also noted that there is no detail on how the decals will be applied or how the licenses will be issued on a first come first served basis. She commented that this ordinance does not limit the number of cabs nor does it assist with enforcement. The Borough should discuss this ordinance with East Windsor and see how they do it.

The Mayor called a five minute break.

J P Gibbons, 602 S. Main Street – clarified the the at “one time clause” was so the cab companies could use other vehicles if one broke down and that there is a designation of sticker numbers in the ordinance. Interpretation should not be an issue on this ordinance.

Juan Chuischa, Ecu Taxi – noted that when the cabs pick up in East Windsor and wait for their patrons while they conduct business in Hightstown, they receive tickets. He commented that the taxi companies went to the business owners and asked about taxi stands in front of their businesses and they agreed to have them there. He feels there should be a special meeting with the businesses about taxis. He would like to see the data that says you must limit the number of cabs in the Borough.

Jorge Torres, Unidad Latina en Accion NJ – requested to see the state law that requires a limit on the number of taxis and is worried about the required higher insurance limits. He feels the ordinance is unconstitutional.

Dave Bell, 114 First Avenue – commented that the ordinance is good, we get cabs from other towns and we do not know them. Twenty cabs is a good number.

Scott Caster, 12 Clover Lane – encouraged Council to adopt the ordinance, it provides safeguards.

Guilliano Saquela, TuAmigo Taxi – noted that more cabs promote competition.

Isabel McGinty, 152 Broad Street – noted that the Attorney and Police Director are present but Council is not asking them questions. The taxi numbers are not specific and cannot be enforced, language matters. She inquired as to what fees will be charged.

Anna Pazimo, 5 Strathmore Way, East Windsor – the language requiring that owners and drivers speak, read and write in English is racist, DMV does not require it.

Annie Leone, 112 Clinton Street – commented that she has not heard a valid or just reason for this ordinance. Council has a responsibility to look after the community and twenty cabs is not enough.

Phyllis Deal, 305 Stockton Street – inquired why the ordinance cannot say twenty cabs per company, the market will dictate.

Cesar Segura, 112 Clinton Street – inquired whether Council is going to limit other businesses as well.

There being no more comments, the Mayor closed the public hearing.

The Borough Attorney clarified that the language in section 4 of the ordinance is verbatim with what is in the state law and the requirement that the number of cabs be limited is also in the state law. There was discussion pertaining to the ordinance regarding, but not limited to grandfathering current cabs, idling, modifying chapter 7 to agree with chapter 4 in the code, and enforcement.

Councilmember Woods moved ordinance 2012-02 for adoption, Councilmember Bibens seconded.

Roll Call Vote: Councilmember Woods voted yes; Council members Bibens, Bluth, Doran, and Quattrone voted no.

Ordinance defeated 4-1.

Ordinance 2012-02  
BOROUGH OF HIGHTSTOWN  
COUNTY OF MERCER  
STATE OF NEW JERSEY

**AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 4-21, ENTITLED "TAXICAB LICENSING," OF THE "REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN, NEW JERSEY."**

**WHEREAS**, the Mayor and Council wish to amend certain provisions contained within Section 4-21 of the Borough Code relating to Taxicab Licensing as set forth herein.

**NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED**, by the Borough Council of the Borough of Hightstown, in the County of Mercer and State of New Jersey, that Section 4-21 of the "Revised General Ordinances of the Borough of Hightstown, New Jersey" is hereby amended and supplemented as follows (additions are shown with underline; deletions are shown with ~~strikeout~~):

**Section 4-21**

**TAXICAB LICENSING**

**4-21.1 Definitions.**

As used in this section, the following terms shall have the meanings indicated:

Borough shall mean the Borough of Hightstown.

Cruising shall mean the driving of an empty taxicab along a public street at a slow rate of speed for the obvious purpose of soliciting passengers.

Driver shall mean any person who operates a taxicab within the Borough, whether or not such person is also the owner thereof.

Operation of a taxicab shall mean transporting in a taxicab one (1) or more persons for hire. Accepting a passenger to be transported for hire from a point of departure within the Borough to a destination within or without the Borough shall be considered "operation of a taxicab" within the Borough. The "operation of a taxicab" by one other than the owner shall be deemed operation by the owner as well as by the person actually driving the taxi. The transportation of any person other than the owner or driver in any motor vehicle bearing a sign using the words "taxi," "taxicab," "cab" or "hack" shall be prima facie evidence of operation.

Owner shall mean any person, business entity, association or other legal entity in whose name title to any taxicab is registered with the New Jersey Division of Motor Vehicles or who appears in the Division's records to be a conditional vendee or lessee or has any other proprietary interest in a taxicab.

Police Commissioner shall mean the member of the Borough Council designated as such on an annual basis by the Mayor, pursuant to Section 2-19.3 of the Borough Code.

Police Director shall mean the person appointed by the Governing Body to serve as the executive head of the Police Department, in accordance with Section 2-19.4 of the Borough Code.

Taxicab or taxi or cab shall mean a motor vehicle used to transport passengers for hire or compensation which does not operate over a fixed route and is not hired by the day or hour.

Taxicab Stand shall mean a section of a public street or of a public place set apart for the exclusive use of a taxicab or a

limited number of taxicabs when such section is distinctly marked as such by an appropriate sign attached to a stanchion on the curb or other conspicuous place or by clearly visible marks upon the surface of a street or public place.

#### **4-21.2 Licenses Required.**

- a. No person shall operate a taxicab within the Borough unless both the owner and the driver of the taxicab are licensed under this section.
- b. The Borough will make available on an annual basis a maximum of five (5) taxicab owner's licenses, each of which shall permit the owner to operate a maximum of four (4) taxicab vehicles within the Borough at one time. Licenses shall be awarded on a first come, first served qualifying basis. Those licensees that have been previously licensed by the Borough during the prior year and who remain in good standing and who have submitted their renewal statement (per Subsection 4-21.4g below) to the Borough prior to January 1<sup>st</sup>, shall be afforded the first opportunity for re-licensing. All other applicants shall be afforded the opportunity to obtain a taxicab owner's license after January 1<sup>st</sup>.

#### **4-21.3 Types of Licenses.**

- a. Taxicab Driver's License. The holder of a taxicab driver's license shall be entitled to operate within the Borough any taxicab whose owner has been licensed under this Section.
- b. Taxicab Owner's License. The holder of a taxicab owner's license shall be entitled to operate a taxicab owned or leased by the licensee within the Borough, provided that the person driving the cab holds a valid taxicab driver's license.

#### **4-21.4 Licensing of Taxicab Owners.**

- a. Application Information.
  1. Application for a taxicab owner's license shall be made to the Borough Clerk on forms provided by her. –
  2. Applications shall be signed and verified by oath or affirmation by the applicant. Applications by a partnership shall give the information required for each partner and shall be signed and verified by all partners. Applications by a corporation shall give the information required for and be signed and verified by all officers and directors and all persons holding more than ten (10%) percent of the corporation's common stock, as well as by a person duly authorized to act for the corporation itself.
  3. Applications received after the effective date of this Ordinance for new licenses or for renewal of existing licenses must be accompanied by proof of automobile liability insurance issued by a company licensed and admitted to transact business in the State of New Jersey, and acceptable to the Borough, indicating limits of liability in amounts not less than the following: \$50,000 per person and \$100,000 per accident for bodily injury or death and \$50,000 per accident for property damage. Proof of insurance must also indicate that insurance coverage applies to all owned or leased vehicles of the applicant or must specify by description all of the vehicles to which the coverage applies. Said proof of insurance must also indicate that the Borough ~~will be notified with~~ shall receive advance written notice of thirty (30) days ~~advance notice should the coverage be cancelled or non-renewed prior to any cancellation or non-renewal thereof,~~ except that no less than ten (10) days advance written notice shall be provided for non-payment of premium. The Borough of Hightstown shall be named as an additional insured on any insurance policy submitted in accordance with the requirements of this section.
  4. Information about each taxicab vehicle to be operated under the taxicab owner's license shall be provided, including the following:

- (a) Vehicle year, make, model and color of vehicle.
- (b) Vehicle identification number.
- (c) New Jersey State license plate number.
- (d) Passenger capacity.
- (e) Insurance company, policy number and expiration date.
- (f) Name and address of vehicle owner if different than applicant.

5. Any person who shall make a false statement in any license application or in any record or certificate that is required to be filed or maintained shall be subject to rejection of the application submitted and/or to appropriate disciplinary sanctions, including license suspension or revocation, in addition to any penalty provided under the New Jersey Criminal Code.

- b. ~~Investigation; Grant or Denial of License Hearing before Council.~~ The Chief of Police or a Police Officer designated by him Police Director or his designee shall investigate the application. A copy of the application shall also be provided to the Zoning Officer for review and for a determination that the proposed location of the taxi operation does not violate applicable zoning regulations. A report containing the results of the Police investigation and evaluation, a recommendation by the Chief of Police Police Director or his designee that the license be granted or denied, and the reasons for his such recommendation shall be forwarded to the ~~Council~~ Police Director (i.e., in cases where the investigation is performed by the Police Director's designee) and the Police Commissioner. A report regarding the Zoning Officer's findings shall also be provided to the ~~Council~~ Police Director and the Police Commissioner. The Borough Clerk shall ensure that copies of these reports are also made available to the applicant. Based upon the findings set forth in the reports, the Police Director shall determine whether to grant or deny the license. Said determination shall be rendered in writing and shall be provided to the applicant. ~~In those cases where the Chief of Police or his designee, or the Zoning Officer, has recommended against issuing the license, the applicant shall be afforded the opportunity for a hearing before the Borough Council. Any request for a hearing must be made within ten (10) days of the applicant's receipt of the applicable report. At the hearing, the applicant shall have the right to be represented by counsel and will be afforded the opportunity to testify himself or to present witnesses in support of his position, to cross-examine opposing witnesses and, at his own expense, to have a stenographic record made of the proceedings. At the conclusion of the hearing, the Council will determine whether to grant or deny the license.~~
- c. Factors Considered. In determining whether to grant or deny the license, the ~~Council~~ Police Director shall take into consideration the following factors:
  - 1. The character, business and financial responsibility and experience of the applicant and the probability that, if granted a license, the applicant will operate his taxicab in accordance with the provisions of this section.
  - 2. Any other factors directly related to the granting or denial of the license which would substantially affect the public safety or convenience.
- d. Issuance of License. ~~The Council shall, by resolution, grant or deny the license.~~ If the application is approved by the Police Director, the ~~Clerk~~ Police Department shall issue the license.
- e. License Term; Fees.
  - 1. A taxicab owner's license shall be valid for the remainder of the calendar year for which it is issued.
  - 2. The license fee shall be ~~fifty (\$50.00)~~ one hundred (\$100.00) dollars per year or portion thereof per vehicle and shall be nonrefundable in the event that the application is denied.



- f. In those cases where the license has been denied, the applicant shall be afforded the opportunity for a hearing before the Police Commissioner. Any request for a hearing must be made within ten (10) days of the applicant's receipt of written notice of denial from the Police Director. At the hearing, the applicant shall have the right to be represented by counsel and will be afforded the opportunity to testify himself or to present witnesses in support of his position, to cross-examine opposing witnesses and, at his own expense, to have a stenographic record made of the proceedings. Following the hearing, the Police Commissioner's determination shall be final.
- g. Renewals. A taxicab owner's license may shall be renewed by the Council Police Director without a hearing upon the licensee's filing with the Chief of Police Police Director or his designee a sworn notarized statement certifying that there have been no changes in the information contained in the initial application and upon the completion of the investigation set forth in paragraph (b) above indicating results that are satisfactory to the Police Director.
- h. Any change(s) in the information contained within the owner's license application shall be reported to the Borough Clerk within three (3) business days thereof. A charge in the amount of twenty-five (\$25.00) dollars shall be levied for each business day after three days that any such changes are not reported to the Borough.

#### 4-21.5 Licensing of Taxicab Drivers.

- a. Applications.
  - 1. Application for a taxicab driver's license shall be made annually to the Borough Clerk upon forms provided by ~~her~~ that office, and shall be forwarded to the ~~Chief of Police~~ Police Director for investigation and approval processing and determination. ~~Applications shall be completed by the applicant in the presence of the Borough Clerk or her designee, and shall be taken in the Clerk's office only, during days and hours established by the Clerk. Except as hereinafter provided, applicants shall have the following minimum qualifications:~~
    - (a) Applicant must be over twenty-one (21) years of age.
    - (b) Applicant must be a United States citizen or a legal resident alien. A copy of the alien registration card or work permit must be submitted with the application.
    - (c) Applicant must possess a valid New Jersey driver's license.
    - (d) Applicant must supply a certification from a licensed physician, on a form to be provided by the Borough Clerk, indicating that the applicant has been examined within the past sixty (60) days and is in sound physical condition, has eyesight corrected to 20/20 vision and is not subject to any infirmity of body or mind which might render the applicant unfit for safe operation of a vehicle for hire.
    - (e) Applicant must certify that he/she is not addicted to the use of narcotics or intoxicating liquors.
    - (f) Applicant must be able to read, write and understand the English language and speak the English language sufficiently to converse with the general public, to understand highway traffic signs and signals in the English language, to respond to official inquiries, and to make entries on reports and records.
    - (g) Applicants must not have been convicted of any crime involving moral turpitude submit to the performance of a criminal history record background check (State and Federal) paid at their own expense. An applicant shall be disqualified from operating or driving a taxi within the Borough, and shall not be issued a taxicab driver's license, if a criminal history record background check reveals a record of conviction of any of the following crimes as having been committed by the applicant prior to the effective date of this Ordinance:

- Aggravated assault;
- Arson;
- Burglary;
- Escape;
- Extortion;
- Homicide;
- Kidnapping;
- Robbery;
- Aggravated Sexual assault;
- Sexual assault;
- Endangering the welfare of a child pursuant to N.J.S.A. 2C:24-4, whether or not armed with or having in his possession any weapon enumerated in subsection "r." of N.J.S.A. 2C:39-1; or
- A crime pursuant to the provisions of N.J.S.A. 2C:39-3, N.J.S.A. 2C:39-4 or 2C:39-9, or other than a disorderly persons or petty disorderly persons offense for the unlawful use, possession or sale of a controlled dangerous substance as defined in N.J.S.A. 2C:35-2.

The above automatic disqualification shall not apply, however, to those applicants who had received consent to operate a taxicab within the Borough prior to the effective date of P.L. 2011, c.135, and who had a valid taxicab driver's license issued and in effect by the Borough as of the effective date of P.L. 2011, c.135.

Additionally, if a person who has been convicted of one of the crimes listed above can produce a certificate of rehabilitation issued pursuant to N.J.S.A. 2A:168A-8 or, if the criminal offense occurred outside New Jersey, an equivalent certificate from the jurisdiction where the criminal offense occurred, then the criminal offense shall not disqualify the applicant from operating or driving a taxicab within the Borough.

- (h) ~~Applicant must have a thorough knowledge of the law, traffic regulations and geography of the Borough of Hightstown, the Motor Vehicle Act, the Traffic Act and other ordinances and regulations having to do with traffic. Each applicant may be examined as to his or her knowledge of these provisions, and if the result of the examination is unsatisfactory, the application shall be refused a license.~~
- (+)(h) Applicant must be fingerprinted by the Police Department, with a report therein received from the State Police or and Federal Bureau of Investigation.
- (+)(i) Applicant must not have been convicted, within the three years prior to the date of the application, of reckless driving, ~~driving while intoxicated~~, leaving the scene of an accident or driving more than 30 miles an hour above the speed limit, and applicant must not have been convicted, within the five years prior to the date of the application, of driving while intoxicated.
- (+)(j) At the time of application, applicant must have no more than ~~eight (8)~~ six (6) New Jersey State Division of Motor Vehicle points on his or her driving record, or the equivalent if licensed in any other state.
- (+)(k) Requirements (d) and (+)(h) above, regarding physician's certification and fingerprinting, shall not apply to any taxicab driver who holds a valid taxicab driver's license in any other Mercer County municipality which is compliant with P.L. 2011, c.135 and whose firm is licensed in and operating out of said municipality. Such person(s) shall be qualified to obtain a taxicab driver's license in Hightstown upon completion of the application form, payment of the required fee and submission of the following documentation:

- Certification by applicant that he or she meets requirements ~~(a), (b), (c), (d), (e), (f), (g), (h), (i), (j) and (k)~~ of Section 4-21.5(a)(1).
  - If not a United States citizen, a copy of alien registration card or work permit.
  - Current valid taxicab driver's license from any other Mercer County municipality.
  - Valid New Jersey's driver's license.
2. The application shall be accompanied by a fee of fifty (\$50.00) dollars for the ~~initial~~ license period.
  3. The application shall be accompanied by two ~~(2)~~ un-mounted, un-retouched glossy photographs of the face of the applicant taken within ~~thirty (30)~~ days preceding filing of the application. Photographs shall be two and one-half inches (2 1/2") by two and one-half inches (2 1/2") in size and shall be passport picture quality. New photographs shall be submitted whenever the licensee's appearance changes significantly.
  4. Any person who shall make a false statement in any license application or in any record or certificate that ~~(s)he~~ is required to be filed or maintained shall be subject to rejection of the application submitted and/or to appropriate disciplinary sanctions, including license suspension or revocation, in addition to any penalty provided under the New Jersey Criminal Code.
- b. ~~Investigation; Grant or Denial of License Hearing before Council.~~ The Chief of Police ~~or a police officer designated by him~~ Police Director or his designee shall investigate the application and shall report the results to the ~~Council~~ Police Director (i.e., in cases where the investigation is performed by the Police Director's designee) and the Police Commissioner within a reasonable time. The report shall include a recommendation that the license be granted or denied and the reasons therefor. The Borough Clerk shall ensure that a copy of the report is made available to the applicant. Based upon the findings set forth in the report, the Police Director shall determine whether to grant or deny the license. ~~In those cases where the Chief of Police or his designee has recommended against issuing the license, the applicant shall be afforded the opportunity for a hearing before the Borough Council. Any request for a hearing must be made within ten (10) days of the applicant's receipt of the Police Chief's report. At the hearing, the applicant shall have the right to be represented by counsel and will be afforded the opportunity to testify himself or to present witnesses in support of his position, to cross-examine opposing witnesses and, at his own expense, to have a stenographic record made of the proceedings. At the conclusion of the hearing, the Council will determine whether to grant or deny the license.~~
  - c. Issuance of License; Contents. Upon approval of the application by the ~~Council~~ Police Director, the ~~Clerk~~ Police Department shall immediately issue the applicant a taxicab driver's license. The license shall contain the licensee's name and address, physical description, signature and photograph.
  - d. Term of License; Fees; Renewal. An initial license to drive a taxicab shall be valid for the remainder of the calendar year in which it is issued, and shall be subject to a non-prorated fee of fifty (\$50.00) dollars. A taxicab driver's license may be renewed annually ~~thereafter~~, unless it has been revoked or suspended, upon the payment of a renewal fee of fifty (\$50.00) dollars and processing of the application in accordance with the procedures set forth above.
  - e. Use of License. Taxicab driver's licenses are valid for use with any licensed taxi within the Borough of Hightstown.
  - f. In those cases where the Police Director has denied the license, the applicant shall be afforded the opportunity for a hearing before the Police Commissioner. Any request for a hearing must be made within ten (10) days of the applicant's receipt of written notice of denial from the Police Director. At the hearing, the applicant shall have the right to be represented by counsel and will be afforded the opportunity to testify himself or to present witnesses in support of his position, to cross-

examine opposing witnesses and, at his own expense, to have a stenographic record made of the proceedings. Following the hearing, the Police Commissioner's determination shall be final.

- g. Any change(s) in the information contained within the driver's license application shall be reported to the Borough Clerk within three (3) business days thereof. A charge in the amount of twenty-five (\$25.00) dollars shall be levied for each business day after three days that any such changes are not reported to the Borough.

#### **4-21.6 Display of Licenses and Fares Required.**

- a. The taxicab owner's license and driver's license (with photo) shall be displayed prominently in the interior of each cab. Rates of fares shall be posted in each taxicab.
- b. The taxicab driver's license must also be conspicuously displayed on the driver's outer garment when the driver is on duty and presented for confirmation when requested by the passenger.

#### **~~4-21.7 Inspection of Vehicles.~~**

- a. ~~Initial Inspection. Before any vehicle is used as a taxicab within the Borough, it shall be inspected by the Chief of Police or a police officer designated by him.~~
  - 1. ~~All vehicles will be photographed at the time of inspection.~~
  - 2. ~~Inspections will be conducted by appointment only.~~
  - 3. ~~Vehicles must be maintained in a safe, clean and sanitary condition.~~
  - 4. ~~Vehicles must contain all safety devices required by law.~~
  - 5. ~~Each vehicle must have at least one Federally-approved child restraint seat available at all times.~~
  - 6. ~~No vehicle may be more than ten (10) years old at the time of inspection.~~
- b. ~~Reinspections. All taxicabs shall be reinspected annually, or more often if the Council so requires by resolution. In addition, any police officer may inspect any taxicab at any reasonable time to determine if it is clean, sanitary and in a safe and proper operating condition.~~
- c. ~~Failure to Pass Inspection. Any taxicab which fails to pass inspection shall be immediately taken out of service and shall not be operated again within the Borough until the defects which led to its rejection are corrected. In the case of minor defects which do not constitute an immediate danger to the health or safety of the public, the taxicab may continue to be operated for a period of one (1) week, at the end of which time it shall be re-inspected. If the defect has not by then been corrected, the vehicle shall immediately be taken out of service and remain out of service until the defect is corrected. (Ord. No. 2005-29)~~

#### **~~4-21.8~~ 4-21.7 Exterior Taxicab Identification Required.**

- a. Identification Required. Each taxicab operated in the Borough shall have a sign permitted on each rear door. The sign shall contain the owner's name, the words "taxicab" or "taxi," telephone number and vehicle number in letters not less than four (4) inches nor more than eight (8) inches in height. All taxicabs shall display on the body of the vehicle their taxi license number along with a listing of each municipality that has issued a taxi license to that taxicab. The taxi license number shall be three (3) inches in height and must be located in the center of the rear quarter panels on the driver and passenger sides as well as the rear center line of the trunk of the vehicle. The list of each municipality shall be displayed on each rear door in letters three (3) inches in height.

- b. Imitation of Color Scheme or Insignia. No taxicab operated in the Borough shall imitate the color scheme or any identifying design or insignia of another taxicab lawfully operating in the Borough, nor shall one taxicab have a color scheme or identifying design or insignia which is so similar to that of another taxicab as to be likely to have a tendency to mislead the public. The person first using a particular color scheme or identifying design or insignia for his taxicab shall have the prior right to it.

#### **4-21.9 4-21.8 Fares.**

- a. Rates of Fare. Fares shall be conspicuously displayed in each taxicab.
- b. Receipts. The driver of a taxicab, upon request, shall give the passenger a receipt for the amount charged. The receipt shall show the name of the owner, the license number of the taxicab, the amount of the fare and the date of the transaction.
- c. Refusal to Pay Fare. No person, after hiring a taxicab, shall refuse to pay the legal fare, nor shall any person hire a taxicab with the intent not to pay the legal fare.

#### **4-21.9 Taxicab Stands.**

- a. Designation of stands. Upon the advice of the Police Director, the Council may designate, by resolution, a taxicab stand or stands within the Borough.
- b. Regulations regarding taxicab stands.
  - 1. No taxicab shall remain idle for more than 3 minutes at any taxicab stand.
  - 2. Every taxicab, while occupying space at a public taxicab stand, shall be immediately available for hire.
  - 3. Only a taxicab licensed by Hightstown Borough may occupy or deliver a passenger to a taxicab stand in the Borough.
  - 4. Each taxicab stand shall be marked with suitable markings, which shall bear a statement that the stand is reserved for taxicabs licensed by Hightstown Borough only.
  - 5. No person operating a taxicab shall perform maintenance of any kind while occupying space at a public taxicab stand.

#### **4-21.10 Operating Regulations.**

- a. Licenses issued pursuant to this chapter are not transferable.
- b. A driver shall immediately surrender his or her taxicab driver's license to the Borough upon the suspension or revocation of his or her New Jersey driver's license.
- c. No taxicab shall remain idle for more than 3 minutes at any place in or upon any of the streets or highways or any other public place within the Borough.
- d. Cruising is prohibited within the Borough.
- e. No person, while operating or attending a taxicab for hire, shall:
  - 1. Obstruct any sidewalk; or
  - 2. Knowingly misinform or mislead any person as to the location of a destination.
- f. Any motor vehicle accident involving a taxicab and causing injury to a person or damage to property in excess of \$500.00 shall be reported immediately to the Hightstown Borough Police.

Department and a copy of the police report for such accident must be given to the Hightstown Police Department within 14 days of the accident. Such information shall be placed in the Borough's records regarding the taxicab owner and taxicab driver.

- g. All taxicab owners shall keep trip records and receipt books for six (6) months, which shall be kept current and shall be displayed when so requested by authorized Borough officials appointed by the Police Director. Trip records shall show, at a minimum, the date, time, pick-up location, destination, number of passengers and fare charged.
- h. All taxicab vehicles shall be kept clean and free of debris.
- i. Each licensed taxicab driver shall be clean in person and fully dressed while on duty, including shirt, pants and shoes.
- j. Taxicab drivers and passengers shall refrain from smoking within the taxicab vehicle while a hired trip is in progress. This prohibition shall be conspicuously posted in each Borough licensed taxicab vehicle.
- k. No driver shall operate a taxicab after 14 consecutive working hours without an eight (8) hour rest period.
- l. Taxicab drivers shall, immediately after the conclusion of their on-duty time, carefully search the taxicab for any property lost or left therein, and shall, within twenty-four (24) hours after finding any such property, advise the Hightstown Borough Police Department of the nature of the property and where it may be collected.

#### **~~4-21.10~~ 4-21.11 Promulgation of Additional Rules and Regulations; Copies to Be Distributed.**

The Council may establish, by resolution, such additional rules and regulations relating to the operation of taxicabs and the conduct of licensees as it deems appropriate. A copy of the rules and regulations shall be furnished to each licensee.

#### **~~4-21.11~~ 4-21.12 Unlawful Activities.**

All drivers shall be licensed personnel, and taxicabs shall be used exclusively for purposes of transportation of passengers and their baggage. No owner or driver shall be obliged to transport any person who is not orderly.

#### **~~4-21.12~~ 4-21.13 Suspension or Revocation of Licenses.**

- a. In the case of an emergency, licenses may be temporarily suspended for not more than seven (7) days by the Police Director.
- ~~a.~~ b. Licenses may be otherwise suspended or revoked, for cause, by the Borough Council after reasonable notice and a hearing. At said hearing, the licensee shall have the right to be represented by counsel and will be afforded the opportunity to testify himself or to present witnesses in support of his position, to cross-examine opposing witnesses and, at his own expense, to have a stenographic record made of the proceedings. At the conclusion of the hearing, the Council will determine whether to suspend the license or to permanently revoke the license. Any license so suspended or revoked shall not be re-issued except for good reasons shown.

In addition to the causes for revocation of a license set forth in subsection 4-1.10, any license issued under this ~~section~~ chapter may be revoked or suspended; by the Borough Council, or any application for the issuance or renewal of a license denied, for any of the following reasons:

1. Failure to render reasonable, prompt, safe and adequate taxicab service.
2. The existence of a judgment unsatisfied of record against the licensee or applicant in any suit arising over the operation of a motor vehicle.

3. Permitting any taxicab owned or driven by the licensee to become unsafe, unsanitary or dirty.
  4. Failure to comply with all applicable laws of the State of New Jersey, the ordinances of the Borough or the rules and regulations adopted in accordance with this ~~section~~ chapter.
  5. Where taxicab vehicles are found to be used for any improper, immoral or illegal business or purpose or for the violation of any federal or state statute or for the violation of any of the provisions of this chapter.
  6. Failure to maintain the proper amount of insurance on licensed taxicab vehicles pursuant to valid and effective insurance policies, as required by this chapter.
- b. ~~c.~~ Drivers. If the licensee is a driver, his license may also be revoked or suspended by the Borough Council for the following reasons:
1. Revocation or suspension of his New Jersey motor vehicle operator's license.
  2. Contraction by the licensee of a communicable or contagious disease.
  3. Operating a taxicab in a reckless or grossly negligent manner or habitually operating a taxicab in a negligent manner.

**~~4-21.13~~ 4-21.14 Complaints; Enforcement.**

- a. All complaints shall be submitted to the Hightstown Police Department.
- b. Enforcement of Section 4-21 shall be the responsibility of the Hightstown Police Department or authorized persons designated by the Police Director.

**4-21.15 Violations and Penalties.**

- a. Licenses issued pursuant to this chapter may be suspended or revoked in accordance with Section 4-21.13, for the reasons set forth therein.
- b. For other violations of this chapter, any person convicted thereof shall be subject to the penalties set forth in Section 1-5 of the Borough Code.

**BE IT FURTHER ORDAINED**, that all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies; and

**BE IT FURTHER ORDAINED**, 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; and

**BE IT FURTHER ORDAINED**, that this Ordinance shall take effect on upon final passage and publication in accordance with the law.

The Mayor called a five minute recess.

**Ordinance 2012-06 First Reading and Introduction – Establishing Salary Ranges for Certain Officers and Employees of the Borough of Hightstown**

Council President Quattrone moved to table this ordinance to the next meeting, Councilmember Bibens seconded.

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

Ordinance tabled 5-0.

**Resolution 2012-128 Authorizing the Payment of Bills**

Councilmember Woods requested that items E0576 and E0577 be voted separately.

Council President Quattrone moved Resolution 2012-128 without items E0576 and E0577, Councilmember Bibens seconded.

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

Council President Quattrone moved items E0576 and E0577 for payment, Councilmember Doran seconded.

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

Resolution adopted 4-0, with one abstention.

Resolution 2012-128

*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 Borough Administrator, appropriate Department Head and the Treasurer in the amount of \$ 977,626.41 from the following accounts

Current	\$ 790,482.88
W/S Operating	102,674.21
General Capital	65,665.00
Water/Sewer Capital	5,252.50
Grant	403.76
Trust	10,882.00
Housing Trust	-
Animal Control	92.40
Law Enforcement Trust	1,259.66
Housing Rehab Loans	-
Unemployment Trust	-
Escrow	414.00
Federal Forfeiture	<u>500.00</u>



**Resolution 2012-129     Authorizing an Emergency Temporary Appropriation Prior to Adoption of the 2012 Budget**

Council President Quattrone moved Resolution 2012-129, Councilmember Bibens seconded.

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

Resolution adopted, 5-0.

Resolution 2012-129

*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 2012 pursuant to the provisions of N.J.S.A. 40A:4-20 (Chapter 96, P.L. 1951, as amended), including this resolution, total:

	<i><b>THIS RESOLUTION</b></i>	<i><b>PREVIOUS TOTAL</b></i>	<i><b>CUMULATIVE TOTAL</b></i>
Current	400,414.00	813,696.00	<b>1,214,110.00</b>
Capital Outlay – Current	0.00	62,983.00	<b>62,983.00</b>
Debt Service - Current	0.00	0.00	<b>0.00</b>
Water/Sewer	295,000.00	391,833.00	<b>686,833.00</b>
Capital Outlay – W/S	0.00	0.00	<b>0.00</b>
Debt Service - W/S	0.00	0.00	<b>0.00</b>
<b>TOTAL</b>	<b>695,414.00</b>	<b>1,268,512.00</b>	<b>1,963,926.00</b>

**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 2012-130     Opposing Senate Bills 1451 and 1452**

Councilmember Bluth moved to table Resolution 2012-130, Councilmember Woods seconded.

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

Resolution tabled, 5-0.

**Resolution 2012-131    Accepting Medical Service Providers for the Police Department**

Councilmember Bluth moved Resolution 2012-131, Council President Quattrone seconded.

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

Resolution adopted, 5-0.

Resolution 2012-131

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

**ACCEPTING MEDICAL SERVICE PROVIDERS FOR THE POLICE DEPARTMENT**

**WHEREAS**, there is a need for medical and/or psychological services to be provided for the Hightstown Police Department for return to work, fit for duty, and pre-employment examinations; and

**WHEREAS**, the Police Director has recommended that Robert Wood Johnson Occupational & Corporate Health be accepted as the official medical service provider for the Police Department; and

**WHEREAS**, the Police Director has recommended that Plainfield Consultation Center be accepted as the official psychological service provider for the Police Department.

**NOW, THEREFORE, BE IT RESOLVED** that the Hightstown Borough Council does hereby consent to and authorize the Police Director's use of Robert Wood Johnson Occupational & Corporate Health for medical services, and Plainfield Consultation Center for psychological services for the Police Department.

**Resolution 2012-132    Authorizing Revaluation of Property**

Councilmember Bluth moved to table Resolution 2012-132, Councilmember Doran seconded.

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

Resolution tabled, 5-0.

**Resolution 2012-133    Authorizing a Second Extension of a Temporary Use and Occupancy Agreement with Matthew Lucas and Suzette Lucas Retarding a Portion of the Property Known and Designated as Block 61.01, Lots 43, 44 & 45, Commonly Known as 401 Mercer Street, Hightstown, New Jersey**

Council President Quattrone moved Resolution 2012-133, Councilmember Bibens seconded.

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

Resolution adopted, 5-0.

Resolution 2012-133

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

**AUTHORIZING A SECOND EXTENSION OF A TEMPORARY USE AND OCCUPANCY AGREEMENT WITH MATTHEW LUCAS AND SUZETTE LUCAS REGARDING A PORTION OF THE PROPERTY KNOWN AND DESIGNATED AS BLOCK 61.01, LOTS 43, 44 & 45, COMMONLY KNOWN AS 401 MERCER STREET, HIGHTSTOWN, NEW JERSEY.**

**WHEREAS**, on September 6, 2011, the Borough adopted Resolution No. 2011-222, which authorized the

Borough to enter into a Temporary Use and Occupancy Agreement with Matthew Lucas and Suzette Lucas (also referenced as the "Lessors"), regarding the Borough's temporary use of a portion of the premises owned by the Lessors located at 401 Mercer Street in the Borough of Hightstown, commonly known and designated as Block 61.01, Lots 43, 44 and 45 on the Borough's Tax Map (hereinafter referenced as the "Property"), for the relocation of the Borough's Police Department offices; and

**WHEREAS**, the said Agreement was extended by resolution 2011-264 on November 7, 2011 for a temporary period for an additional six (6) months, or through **May 5, 2012**; and

**WHEREAS**, the said temporary six (6) month period shall expire on or about May 5, 2012; and

**WHEREAS**, the parties wish to extend said temporary period for an additional six (6) months, or through **November 5, 2012**, as set forth in the attached "Second Extension of Temporary Use and Occupancy Agreement."

**NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED**, by the Mayor and Borough Council of the Borough of Hightstown that the Mayor is hereby authorized to execute and the Borough Clerk to attest the attached "Second Extension of Temporary Use and Occupancy Agreement" between the Borough of Hightstown and Matthew Lucas and Suzette Lucas, so that the Borough's temporary use and occupancy of a portion of the Property (as set forth in Temporary Use and Occupancy Agreement) may endure through **November 5, 2012**.

**BE IT FURTHER RESOLVED**, that the extension of the said Agreement shall be subject to all of the terms and conditions set forth in the attached and in the original Temporary Use and Occupancy Agreement.

**BE IT FURTHER RESOLVED**, that a certified copy of the within Resolution shall be provided to each of the following:

1. Matthew Lucas and Suzette Lucas
2. Debra Sopronyi, Borough Clerk
3. Michael Theokas, Borough Administrator
4. Frederick C. Raffetto, Esquire, Borough Attorney
5. James LeTellier, Police Director

**Resolution 2012-134 Authorizing a Shared Services Agreement Between the Borough of Hightstown, the East Windsor Regional School District, and the Township of East Windsor for the Use of a Joint Fueling Facility**

Council President Quattrone moved Resolution 2012-134, Councilmember Bibens seconded.

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

Resolution adopted, 5-0.

Resolution 2012-134

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

**RESOLUTION AUTHORIZING A SHARED SERVICES AGREEMENT  
BETWEEN THE BOROUGH OF HIGHTSTOWN, THE EAST WINDSOR REGIONAL  
SCHOOL DISTRICT, AND THE TOWNSHIP OF EAST WINDSOR,  
FOR THE USE OF A JOINT FUELING FACILITY.**

**WHEREAS**, on May 1, 1992, the Borough of Hightstown (the "Borough") entered into an Interlocal

Services Agreement with the East Windsor Regional School District (the "District"), and the Township of East Windsor (the "Township"); and

**WHEREAS**, said Agreement provided for the construction, capital contributions of the participants, operation and maintenance of a joint fueling facility (the "fueling facility") for the parties to the Agreement, located at the Earl Stafford Transportation Center, 503 Mercer Street, East Windsor, New Jersey; and

**WHEREAS**, said Agreement expires on April 30, 2012; and

**WHEREAS**, the parties acknowledge that the ownership of the fueling facility is now in the District alone; and

**WHEREAS**, the parties acknowledge that the public benefited in the past from this facility and wish to renew their arrangement upon the terms and conditions set forth in the attached Shared Services Agreement, pursuant to N.J.S.A. 40A:65-1, *et seq.*; and

**WHEREAS**, the Mayor and Borough Council wish to authorize the Borough to enter into this Shared Services Agreement, and to authorize the Mayor and the Borough Clerk to execute same on behalf of the Borough

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

1. That the Borough is hereby authorized to enter into a Shared Services Agreement with the East Windsor Regional School District and the Township of East Windsor for the use of a joint fueling facility, under the terms and conditions set forth in the attached Agreement.

2. That the Mayor is hereby authorized to execute and the Borough Clerk to attest the attached Agreement, or one which is substantially similar thereto and which meets with the approval of the Borough Attorney, on behalf of the Borough.

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

- a. East Windsor Regional School District
- b. Township of East Windsor
- c. Debra Sopronyi, Borough Clerk
- d. Michael Theokas, Borough Administrator
- e. Frederick C. Raffetto, Esq., Borough Attorney

The Mayor opened the public comment period. There being none, the public comment period was closed.

Councilmember Bluth moved to adjourn at 11:25 pm, Councilmember Bibens seconded. All ayes.

Respectfully Submitted,

Debra L.

Sopronyi,  
RMC, Borough Clerk