

Meeting Minutes
Hightstown Borough Council
Regular Meeting
January 18, 2011 5:30 pm

The meeting was called to order by Mayor Kirson at 6:00 pm and he read the Open Public Meetings Act statement which stated, "Adequate notice of this meeting has been given in accordance with the Open Public Meetings Act, pursuant to Public Law 1975, Chapter 231. Said notice was advertised in the *Trenton Times* and the *Windsor-Hights Herald*, and is posted in the Borough Clerk's office."

ROLL CALL

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

Also in attendance: Debra Sopronyi, Borough Clerk; Herbert Massa, Borough Administrator; Frederick Raffetto, Borough Attorney; The following were in attendance for the executive meeting only and left prior to the public meeting reconvening: Richard Shaklee, Labor Counsel; Hussam Chater of the firm Ansell Grimm & Aaron; Eric Harrison and Raina Johnson, MEL JIF Attorneys; and Tamara Lee, Borough Planner.

Resolution 2011-17 Executive Session

Mr. Massa requested that salary ordinance discussion be added to resolution 2011-17 under personnel.

Councilmember Quattrone moved resolution 2011-17 as amended, Councilmember Gilmartin seconded.

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

Resolution adopted as amended, 5-0

Resolution 2011-17

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 January 18, 2011 at approximately 5:30 pm in the Council Chambers that will be limited only to consideration of an item or items with respect to which the public may be excluded pursuant to section 7b of the Open Public Meetings Act.

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

Litigation – Lasky, Minute Maid and Greystone

Personnel – Police Chief Contract, Health Benefit Waivers & Salary Ordinance

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: April 18, 2011, 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 January 18, 2011

Open Public Meetings Act.

Council re-convened into open session at 7:40 pm.

The meeting was called to order by Mayor Kirson at 7:40 pm and he again read the Open Public Meetings Act statement which stated, "Adequate notice of this meeting has been given in accordance with the Open Public Meetings Act, pursuant to Public Law 1975, Chapter 231. Said notice was advertised in the *Trenton Times* and the *Windsor-Hights Herald*, and is posted in the Borough Clerk's office."

The Flag Salute was followed by Roll call which had remained the same. George Lang, Chief Financial Officer joined the meeting and was also now in attendance.

Council President McGinty moved that the agenda be amended by removing the three minute limit for public comment and Mr. Massa requested that Ordinance 2011-01 and resolution 2011-22 be pulled from the agenda; Council President McGinty motioned to approve the agenda as amended, Councilmember Quattrone seconded. All approved.

Councilmember Gilmartin moved to approve the minutes of the January 1, 2011 Re-Organization meeting, and the January 3, 2011 Regular and Closed Session meetings, Councilmember Quattrone seconded. All Approved.

The Mayor opened Public Comment Period I and the following individuals spoke during the period: Phyllis Deal, 305 Stockton Street; Eugene Sarafin, 628 S. Main Street; Walter Sikorski, 326 N. Main Street; Rob Thibault, 504 S. Main Street; and Susan Bluth, 42 Dennis Court.

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

Resolution 2011-18 Authorizing Payment #5 and Change Order #4 for the Water Main Extension Leshin Lane and Mercer Street – Tomco Construction, Inc.

Councilmember Quattrone moved resolution 2011-18, Councilmember Musing seconded.

There was discussion.

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

Resolution adopted, 5-0

Resolution 2011-18

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

**AUTHORIZING PAYMENT # 5 & CHANGE ORDER # 4 – TOMCO CONSTRUCTION, INC.
(WATER MAIN EXTENSION LESHIN LANE AND MERCER STREET)**

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

WHEREAS, the contractor has submitted Payment Request #5 for work done in the total amount of \$100,876.19; and

WHEREAS, the Contractor has requested Change Order #4 resulting in a reduction in the amount of \$71,388.21 bringing the total amount of the contract to \$1,399,010.78; and

WHEREAS, said change order is due to adjusted contract quantities based on as-built quantities, deletion of some of the contract items and the addition of supplemental items based on unanticipated and unknown field conditions; and

WHEREAS, the Borough paid \$7,316.27 for sewer repair expenditures that are to be reimbursed by Tomco Construction, Inc.; and

WHEREAS, the Borough Engineer has recommended approval of payment for Tomco Construction, Inc., in the amount of \$98,766.71 and that the amount of \$7,316.27 be withheld from the payment and used to reimburse the Borough; and

WHEREAS, the Borough Engineer has recommended approval of Change Order #4; and

WHEREAS, the required certified payrolls have been submitted.

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

1. Change Order No. 4 to the contract with Tomco Construction, Inc. of Wharton, New Jersey resulting in a reduction in the amount of \$71,388.21 is hereby approved, and the Mayor is authorized to execute same.
2. By virtue of the approval of Change Order No. 4, the revised contract price is \$1,399,010.78.
3. Payment Request No. 5 from Tomco Construction, Inc. of Wharton, New Jersey in the amount of \$100,876.19 is hereby approved, and that the amount of \$7,316.27 be withheld from the payment and used to reimburse the Borough, as detailed herein, and the Acting Treasurer is authorized to issue same.

Resolution 2011-19 Authorizing Payment #3 and Change Order #2 for the Stockton Street Historic District – S. Batata Construction

Councilmember Musing recused himself from discussion and vote on this resolution.

Council President McGinty moved resolution 2011-19, Councilmember Gilmartin seconded.

There was discussion.

Roll Call Vote: Council members Bibens, Gilmartin, McGinty, and Quattrone voted yes; Councilmember Musing abstained.

Resolution adopted, 4-0 with one abstention

Resolution 2011-19

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

**AUTHORIZING PAYMENT # 3 AND CHANGE ORDER # 2 – S. BATATA CONSTRUCTION,
INC.
(STOCKTON STREET HISTORIC DISTRICT STREETSCAPE INFRASTRUCTURE
PROJECT)**

WHEREAS, on June 21, 2010, the Borough Council awarded a contract for the Stockton Street Historic District Streetscape Infrastructure Project to S. Batata Construction, Inc. of South River, New Jersey in the amount of \$791,506.00; and,

WHEREAS, the contractor has submitted Payment Request #3 for work done in the total amount of \$184,425.26; and,

WHEREAS, the Contractor has requested Change Order #2 resulting in an increase in the amount of \$59,537.50 bringing the total amount of the contract to \$876,773.50; and,

WHEREAS, said change order is due to adjusted contract quantities based on as-built quantities, the addition of supplemental items based on unanticipated and unknown field conditions, and the cost for additional trees and improvements by the Civil War Monument as requested by the Borough's Historic Preservation Commission; and,

WHEREAS, the Borough Engineer has recommended approval of this payment request and change order, and has verified that all required certified payrolls have been received; and

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

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

4. Change Order No. 2 to the contract with S. Batata Construction, Inc. of South River, New Jersey resulting in an increase in the amount of \$59,537.50 is hereby approved, and the Mayor is authorized to execute same.

5. By virtue of the approval of Change Order No. 2, the revised contract price is \$876,773.50.
6. Payment Request No. 3 from S. Batata Construction, Inc. of South River, New Jersey in the amount of \$184,425.26, as detailed herein, is hereby approved, and the Acting Treasurer is authorized to issue same.

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

Councilmember Musing returned to the dais.

Resolution 2011-20 Authorizing Payment #2 and Change Order #1 for the Memorial Park Improvements – Gres Paving Company

Council President McGinty moved resolution 2011-20, Councilmember Quattrone seconded.

There was discussion.

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

Resolution adopted, 5-0

Resolution 2011-20

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

**AUTHORIZING PAYMENT #2 AND CHANGE ORDER #1 – GRES PAVING COMPANY
(MEMORIAL PARK IMPROVEMENTS)**

WHEREAS, on September 7, 2010, the Borough Council awarded a contract for the Memorial Park Improvements Project to Gres Paving Company of Hamilton, New Jersey in the amount of \$320,968.95; and,

WHEREAS, the contractor has submitted Payment Request #2 for work done in the total amount of \$181,229.69; and

WHEREAS, the Contractor has requested Change Order #1 resulting in an increase in the amount of \$25,499.95 bringing the total amount of the contract to \$346,468.90; and,

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

WHEREAS, the Borough Engineer has recommended approval of this payment request and change order, and all required certified payrolls have been received; and

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

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

7. Change Order No. 1 to the contract with Gres Paving Company of Hamilton, New Jersey resulting in an increase in the amount of \$25,499.95 is hereby approved, and the Mayor is authorized to execute same.
8. By virtue of the approval of Change Order No. 1, the revised contract price is \$346,468.90.
9. Payment Request No. 2 from Gres Paving Company of Hamilton, New Jersey in the amount of \$181,229.69, as detailed herein, is hereby approved, and the Acting Treasurer is authorized to issue same.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that a certified copy of this resolution be forwarded to the Borough Engineer, Acting Treasurer and Contract

Resolution 2011-21 Authorizing the Payment of Bills

George Lang, Chief Financial Officer gave a review and distributed materials relating to the resolution. Discussion ensued.

Council President McGinty moved the consideration of resolution 2011-21 be moved toward the end of the meeting, after discussion, to give Council time to read the materials, and review the resolution and bills list, Councilmember Gilmartin seconded.

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

Resolution moved to end of meeting, 5-0

Resolution 2011-23 Authorizing Collaboration with the County of Mercer for 2011-2012 Paris Grant Funding

Councilmember Gilmartin moved resolution 2011-23, Council President McGinty seconded.

The Borough Clerk gave a review of the grant.

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

Resolution adopted, 5-0

Resolution 2011-23

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

**RESOLUTION AUTHORIZING COLLABORATION WITH THE COUNTY OF MERCER FOR
2011-2012 PARIS GRANT FUNDING**

WHEREAS, the State of New Jersey has launched its pioneering Public Archives and Records Infrastructure Support (PARIS) grant program to meet the strategic records management, preservation, and storage needs of county and municipal governments; and

WHEREAS, Hightstown Borough has previously participated in this program and it is desired that this participation continue; and

WHEREAS, a top priority of the PARIS grants program is to achieve efficiencies of cost and operation through shared services and to create a service structure for municipalities that do not have the resources to create one for themselves; and

WHEREAS, the Borough of Hightstown desires to collaborate with the County of Mercer in the 2011-12 grant cycle for projects to include records organization, preservation, storage and disposal; and

WHEREAS, the Borough of Hightstown is acknowledging that their eligible funding amount will be leveraged with the County of Mercer; and

WHEREAS, the Borough of Hightstown is acknowledging that the County of Mercer would be both the lead agency and the applicant for such a proposal;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that Hightstown does support and commit to cooperation and participation in the PARIS grant for the purposes set forth above, and the Mayor and/or Borough Administrator are hereby authorized to execute and deliver all documents required incident thereto.

Resolution 2011-24 Authorizing the Issuance of an Auction License – Empire Antiques

Councilmember Musing recused himself from discussion and vote on this resolution.

Councilmember Quattrone moved resolution 2011-24, Council President McGinty seconded.

Roll Call Vote: Council members Bibens, Gilmartin, McGinty, and Quattrone voted yes; Councilmember Musing abstained.

Resolution adopted, 4-0 with one abstention

Resolution 2011-24

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

**AUTHORIZING ISSUANCE OF LICENSE FOR AUCTION -
EMPIRE ANTIQUES**

WHEREAS, an application for a license to hold an auction on Saturday, January 29, 2011 (snow/rain date Saturday, February 12, 2011) at 278 Monmouth Street in the Borough of Hightstown has been submitted by Empire Antiques, together with the required fee; and

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

WHEREAS, it is the desire of the Mayor and Council that a license be issued to Empire Antiques 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 Empire Antiques for their auction to be held on Saturday, January 29, 2011 (snow/rain date Saturday, February 12, 2011) at 278 Monmouth Street.

Councilmember Musing returned to the dais.

Resolution 2011-25 Authorizing the Installation of a Sign on Borough Property by the Greenway Walking Bridge Committee

Council President McGinty moved that resolution 2011-25 be postponed to the next meeting, Councilmember Gilmartin seconded.

Councilmember Musing gave an explanation of the resolution and Council President McGinty requested that the Committee give a presentation at the next meeting.

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

Resolution postponed to next meeting, 5-0

Resolution 2011-26 Resolution Making and Confirming Appointments for 2011 – Borough Officials

Council President McGinty moved that resolution 2011-26 be postponed to the next meeting, Councilmember Gilmartin seconded.

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

Resolution postponed to next meeting, 5-0

Resolution 2011-27 Resolution Making and Confirming Appointments for 2011 – Boards, Commissions and Committees

Council President McGinty moved that resolution 2011-27 be postponed to the next meeting, Councilmember Quattrone seconded.

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

Resolution postponed to next meeting, 5-0

Mr. Massa gave an update on taxi license applications. There was discussion regarding the process taken for the review of the applications. It was decided that Mr. Massa will schedule a meeting next week regarding the matter.

Gary Stevens, Webmaster, reviewed his proposal to effect publication of a searchable version of the Revised General Ordinances of the Borough of Hightstown on the Borough website. There was discussion regarding codification of Ordinances.

Councilmember Musing gave an overview of the sign ordinance commenting that LED signs are not addressed in the ordinance. There was discussion regarding neon and LED signs as well as a possible ordinance revision to address LED signs.

Council President McGinty gave a list of the Liaisons and reviewed the duties of each. She also recommended that there be periodic reports from the committees at the Council meetings.

2011-28 Appointing Council Liaisons

Council President McGinty moved that resolution 2011-28, for the appointment of Council Liaisons be added to the agenda, Councilmember Gilmartin seconded.

Council President McGinty read the appointments aloud.

January 18, 2011

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

Resolution adopted, 5-0

Resolution 2011-28

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

MEMORIALIZING COUNCIL COMMITTEE, OUTREACH AND LIAISON POSITIONS

BE IT RESOLVED by the Borough Council of the Borough of Hightstown that the following are established as the Borough Council Committee, Outreach and Liaison positions for 2011:

SELENA BIBENS	Parks & Recreation Commission Board of Health
SKYE GILMARTIN	Economic Development Committee Housing Authority Environmental Commission
ISABEL McGINTY	Municipal Court Planning Board Member
DIMITRI MUSING	Borough Offices; Taxes, Finance, and Administration; General Budget Zoning, Construction, Housing Offices; Fire Code Historic Preservation Commission
LAWRENCE D. QUATTRONE	First Aid Squad Fire Department Public Works Department
LYNNE WOODS	Borough-owned properties Water & Sewer Departments

BE IT FURTHER RESOLVED by the Borough Council that the following Special Council Committees are hereby confirmed:

SELENA BIBENS & SKYE GILMARTIN	Volunteerism
SKYE GILMARTIN & DIMITRI MUSING	State Funding Issues, Grant Money Relations with Other Municipalities, Shared Services
ISABEL McGINTY & SELENA BIBENS	School District Outreach
ISABEL McGINTY, SKYE GILMARTIN & DIMITRI MUSING	Council Police Committee

Mr. Massa gave an update on code enforcement violations and there was discussion.

Council President McGinty moved for a break to allow Council time to review resolution 2011-21 and the bills list, Councilmember Quattrone seconded. All agreed. The break began at 8:45pm and the meeting re-convened at 9:00pm.

Resolution 2011-21 Authorizing the Payment of Bills

Council President McGinty moved resolution 2011-21, Councilmember Gilmartin seconded.

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

Resolution adopted, 5-0

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

AUTHORIZING PAYMENT OF BILLS

WHEREAS, certain bills are due and payable as per itemized claims listed on the following schedules, which are made a part of the minutes of this meeting as a supplemental record;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the bills be paid on audit and approval of the Mayor, the appropriate Councilmember and the Treasurer

in the
amount of \$ 1,402,135.29 from the following accounts

Current	\$	828,664.14
W/S Operating		98,488.68
General Capital		374,907.45
Water/Sewer Capital		93,559.92
Grant		1,300.00
Trust		1,015.60
Housing Trust		-
Animal Control		1,500.00
Law Enforcement Trust		-
Housing Rehab Loans		-
Unemployment Trust		-
Escrow		2,699.50
Total	\$	<u>1,402,135.29</u>

The Mayor then opened Public Comment Period II. The following residents spoke during the public comment period: Phyllis Deal, 305 Stockton Street; Eugene Sarafin, 628 N. Main Street; Frank Rivera, 110 Broad Street; Scott Caster, 12 Clover Lane; Rob Thibault, 504 S. Main Street; and Valerie Martinez, Molto Bene, N. Main Street.

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

Council/Mayor/Administrative Comments

Councilmember Bibens – commented regarding designating parking spots.

Councilmember Musing – stated that he was interested in the possibility of designating parking spots with shortened park times and commented that the sign and noise ordinances should be reviewed.

Councilmember Gilmartin – agreed that there is a need for permanent parking lot signs to advise that there are other lots available in the Borough and she is looking forward to working on the committees as Liaison.

Councilmember Quattrone –stated that he is pleased with the Liaison appointments. He also commented that Public Works, under the newly appointed Superintendent, is doing a great job. Mr. Quattrone then spoke about volunteering for the Fire and

First Aid and that the sign ordinance should be reviewed by the Planning Board for revision. He thinks that the Council should receive their paperwork sooner to allow Council members to review the documentation so the resolutions can be acted on.

Council President McGinty – commented regarding the review needed for parking, signs and noise. She went on to say that the Peddie School contributions have an impact on the Borough and is complex; she would like to see the Borough maintain a constructive relationship with Peddie. She also stated that she is unaware of any changes to the Animal Welfare Committee; the Fire Department dinner was very nice and that recognition of service members is important and they should be notified when they are going to be on the agenda. Council President McGinty also commented that she thinks Council should be replying to public comment earlier in the meeting, and that the procedure for scheduling meetings needs to be revised so that Council availability is confirmed prior to the time being set.

Mayor Kirson – commented that the agenda items will be addressed and that he is planning a Mayor's Town Hall meeting.

Council President McGinty moved to adjourn the meeting at 9:40 pm and Councilmember Musing seconded; the Motion was approved unanimously.

Respectfully Submitted,

Debra L. Sopronyi

Borough Clerk