

Meeting Minutes
Hightstown Borough Council
Regular Meeting
April 4, 2011 6:30 pm

The meeting was called to order by Mayor Kirson at 6:40 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: Susan Jackson, Acting Deputy Borough Clerk; Frederick Raffetto, Borough Attorney; and Phillip Nettl, Special Labor Council

Resolution 2011-96

Council President McGinty moved resolution 2011-96, Councilmember Musing seconded.

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

Resolution adopted, 6-0

Resolution 2011-96

BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY

NAMING AN ACTING DEPUTY CLERK FOR EXECUTIVE SESSION

WHEREAS, The Borough Clerk is not available for the April 4, 2011 meeting of the Borough Council; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that Frederick Raffetto, Borough Attorney, is hereby named as Acting Deputy Clerk for the executive session meeting of the Borough Council on April 4, 2011 and shall perform the duties of the Borough Clerk for said executive session meeting.

Resolution 2011-97

Council President McGinty moved resolution 2011-97, Councilmember Bibens seconded.

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

Resolution adopted, 6-0

Resolution 2011-97

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

NAMING AN ACTING DEPUTY CLERK FOR PUBLIC SESSION

WHEREAS, The Borough Clerk is not available for the April 4, 2011 meeting of the Borough Council; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that Susan Jackson is hereby named as Acting Deputy Clerk for the public meeting of the Borough Council on April 4, 2011 and shall perform the duties of the Borough Clerk for said meeting.

Resolution 2011-98 Executive Session

Council President McGinty moved that the agenda be amended to move Attorney –Client Privilege to the first half hour of the executive meeting in order to discuss Personnel issues later. Councilmember Gilmartin seconded.

Roll Call Vote: Councilmembers Bibens, Gilmartin, McGinty, Musing, Quattrone and Woods voted yes.

Resolution adopted, 6-0

Resolution 2011-98

*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 April 4, 2011 at approximately 6:30 pm in 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:

Personnel – Chief of Police, Acting Court Administrator, Acting Treasurer & Waiver of Benefits

Attorney – Client Privilege

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: July 4, 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 Open Public Meetings Act.

Council re-convened into open session at 7:45 pm.

The meeting was called to order by Mayor Kirson at 7:45 pm and he again read the Open Public Meetings Act statement.

The Flag Salute followed the Roll call which has remained the same: George Lang, Chief Financial Officer and Carmela Roberts, Borough Engineer also joined the public meeting.

Council President McGinty moved that the agenda be approved with the addition of Resolution 2011-109 prior to Engineer items. The Resolution is to authorize Hightstown Borough to provide for the defense for indemnification of public employees and civil

actions. Councilmember Musing seconded. Mayor asked the Council if they had any comments in regards to this motion. Councilmembers Quattrone and Gilmartin would like more time to do some research on this issue before making a decision on the Resolution. With no further discussion at this time, a roll call was taken on the motion to amend the agenda.

Roll Call Vote: Councilmembers Bibens, Gilmartin, Quattrone and Woods voted no; Councilmembers McGinty and Musing voted yes.

Agenda amendment was defeated 4-2 vote.

Councilmember Quattrone made a motion to accept the agenda as presented. Councilmember Gilmartin seconded.

Roll Call Vote: Councilmembers Bibens, Gilmartin, Quattrone and Woods voted yes; Councilmember McGinty voted no; Councilmember Musing abstained.

Agenda was approved as presented by a vote of 4-1 with 1 abstention.

At this time Councilmember Musing made the following statement to his fellow Councilmembers and the Public:

To my fellow Governing Body Members and the Public:

- When I ran for public office approximately one year and one-half ago, and then subsequently assumed the position of Councilmember, I did so with a sincere desire to provide a public service to my community.
- The role of Councilmember is an extremely important position, and I do not take it lightly. I know that I have been entrusted by those who elected me to perform public work on behalf of the Borough to the best of my ability.
- However, in assuming this position, it was always my understanding that I would be protected from personal liability and exposure should any litigation occur as a result of the good faith performance of my duties on behalf of the Borough.
- In my opinion, that was a rational presumption, since I cannot fathom any reason as to why an individual would ever wish to run for public office if they were not certain that they would be protected when providing public service in good faith.
- I question why anyone would ever wish to put their financial well being, or the best interests of their families, at stake for performing the tireless duties of a public servant.
- I have been inquiring about this issue, generally, for some time, regardless of any specific matter of Borough business that happens to be before the Mayor and Council.
- Recently, I have been advised by the Borough Attorney that there is, in fact, no provision under existing New Jersey law which requires the defense and indemnification of local government officers by the municipality relating to their official duties.
- I have been told, rather, that the law simply allows local government entities to provide for such defense and indemnification at their sole discretion.
- Moreover, I have been advised that there is no local legislation currently in effect in Hightstown which provides for the defense and indemnification of local government officials in such cases.
- Although I understand that there may be insurance coverage available, I am not satisfied that this provides sufficient assurances for me to risk my own well-being, and that of my family, against what may be frivolous lawsuits.
- Anyone can sue another person in the State of New Jersey.
- I understand that a lawsuit may be found to be frivolous; however, there are actions which must be taken, and expenses which must be paid, prior to obtaining a dismissal of such litigation.
- Without assurances that I am covered, and that I am not hanging out on a limb personally exposed, then I am simply not willing to risk my family's financial well-being in order to perform work as a public servant.
- Moreover, I cannot rely on the whims of this or any other Governing Body to protect me on a case-by-case basis. Rather, I hereby request that my fellow Governing Body Members take **immediate action** to enact a blanket ordinance that would put this issue to rest by providing all Governing Body Members and other public officials with assurances that, so long as they are acting in the good faith performance of their official duties for the Borough, they will be protected against litigation.
- Therefore, I ask my fellow Governing Body Members to act immediately to resolve this issue and to enact such legislation.
- If this Council does not see fit to do so, then I feel that I have no other alternative than to excuse myself from this meeting right now, and I will consider all of the options that are available to me relating to my continued participation as a Council Member.

Councilmember Musing then recused himself from this meeting and is now absent.

Council President McGinty asked the Borough Attorney for clarification as to whether the circumstances Councilmember Musing described applies to not only all elected Borough officials, but to all volunteer members of Boards, Commissions and Committees. Mr. Raffetto stated that presently the law doesn't require local government entities to cover their officials, and all who serve voluntarily on Boards, Commissions and Committees. It is at the sole discretion of the Governing Body as to provide defense. Presently the Borough insurance policy does provide protection to all elected and appointed Officials. The proposed Resolution would provide secondary coverage that would cover any elected officials and appointed officials if the insurance carrier chooses, for whatever reason, not to cover based on the current contract. This resolution would put into place coverage that would afford all members of boards, commissions and committees with a defense indemnification if they are personally sued in any litigation that would arise out of the good faith performance of their responsibilities for the Borough. There is a caveat under the NJ State law that does not allow a defense indemnification for certain instances which would include any criminal conduct, knowingly causing intentional malice, fraud or wrong doing. The Borough can have a Blanket Ordinance that would cover any litigation as a secondary policy if the primary policy would not cover the charges.

Council President McGinty moved to approve the minutes of the February 22, 2011 and March 7, 2011 Open Public meetings. Councilmember Gilmartin seconded.

Roll Call Vote: Councilmembers Bibens, Gilmartin, McGinty, Quattrone and Woods voted yes. Council member Musing was absent. The February 22, 2011 and March 7, 2011 open session minutes were approved as presented with a 5-0 vote.

Peter and Maria Adamo, owners of Molto Bene Café are seeking Borough Council approval on the Right-of-Access agreement or a Use of Occupancy agreement between the Borough and Molto Bene Café. This agreement would allow them to place tables and chairs along the front of their building that would allow their patrons to enjoy outside dining. He is requesting that the outdoor seating to be available from Spring through Fall.

Ms. McGinty suggested that Mr. Adamo give this presentation to the Planning Board to allow for a smooth transition. Mr. Raffetto stated that there would be no reason that Mr. Adamo should have to go before the Planning Board since Planning Board approval is not needed, but he would like to review the contract as presented. Ms. Roberts was instructed to call the NJDOT to assure they have no objection or requirements. Mr. Raffetto suggested that the Council consider adopting an ordinance that would address the issue of outdoor dining within the Borough.

The Council was presented with a drawing of suggested modification of the curbing at the entrance of the Memorial Parking lot. At the request of Council President McGinty, Ms. Roberts, Mr. Misiura, Chairperson of the Planning Board and Mr. Lewis, Superintendent of DPW met at the parking lot to take a look at concerns that have been raised by some of the commercial businesses and public who use the parking lot. The determination is that the parking lot does meet all the standards that are required by law. The decision was to modify the entrance to help the patrons who use the lot a smoother access. Discussion continued about any other changes that might be done along with the modification.

The Mayor opened Public Comment Period I and the following individuals spoke during the period: Fran Palombo, Tavern on the Lake, 101-103 Main St.; Phyllis Deal, 305 Stockton Street; Emily Herman, Student of the Peddie School Reporter; Kathleen Gravely, 40 Graverly Ave; Bob Rienson, Bethany House, 144-146 Stockton St; Paul Rally, Bethany House, Mike Vanderbeck, 344 Stockton St; Rob Thibault, 504 S. Main Street; Pastor Bob Turton, Bethany House Gospel Mission; Gene Sarafin, 628 S. Main St; J. P. Gibbons, 602 S. Main Street; Norm Billings, 245 Stockton St; Walter Sikorski, 326 N. Main St; Darek Hahn, 102 Manlove; John Archer, 131 Bennett Pl; Melanie Alio, 158 Grant St; and Pat Duncan, 158 Grant Ave.

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

Resolution 2011-99 Authorizing GHEWIP to Install Street Lighting on Franklin Street

Councilmember Quattrone moved that resolution 2011-99, Councilmember Woods seconded.

There was recognition of the donation by the Greater Hightstown East Windsor Improvement Project.

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

Resolution adopted 5-0.

Resolution 2011-99

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

AUTHORIZING THE ENGINEER TO APPLY FOR A NJDOT PERMIT FOR THE

**INSTALLATION COACH LAMP STREET LIGHTING ON FRANKLIN STREET FROM
BROAD STREET TO MAXWELL AVENUE**

WHEREAS, the New Jersey Department of Transportation has installed new curbing and sidewalk on Franklin Street to Maxwell Avenue; and,

WHEREAS, the Hightstown Borough Department of Public Works has installed underground conduit for coach lamp street lighting and drip irrigation along this same portion of Franklin Street; and

WHEREAS, resolution 2010-216 authorized the Borough Engineer to design and prepare plans of sufficient quality to apply for a permit from the New Jersey Department of Transportation to install said street lighting system and perform the necessary inspections during the course of said installation with said costs being paid by GHEWIP; and

WHEREAS, said application was submitted and the required permits have been obtained; and

WHEREAS, the Borough wishes to allow GHEWIP to continue its support for the Borough by undertaking the installation of sixteen (16) new coach style street lamps from Broad Street to Maxwell Avenue on Franklin Street.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown to allow GHEWIP to continue its support for the Borough by undertaking the installation of sixteen (16) new coach style street lamps from Broad Street to Maxwell Avenue on Franklin Street.

Resolution 2011-100 Change Order for Stockton Street

Councilmember Quattrone moved that resolution 2011-100, Council President McGinty seconded.

The Engineer gave an explanation.

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

Resolution adopted, 5-0

Resolution 2011-100

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

**AUTHORIZING CHANGE ORDER #1 – 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, resolution 2010-251 authorized change order #1 in the amount of \$25,730.00 bringing the contract amount to \$817,236.00; and,

WHEREAS, resolution 2011-19 authorized change order #2 in the amount of \$59,537.50 bringing the contract amount to \$876,773.50; and,

WHEREAS, the Contractor has requested an additional change order in the amount of \$72,687.50 for supplemental items which reflect field conditions, anticipated items and additional improvements by the Civil War Monument, bringing the contract amount to \$949,461.00; and

WHEREAS, the Borough Engineer has recommended approval of this additional change order; and

WHEREAS, The New Jersey Department of Transportation has requested that all change orders, including those already accepted, be combined and re-submitted as change order #1 for ease of processing; and

WHEREAS, the Borough Engineer has recommended that the Borough accommodate the New Jersey Department of Transportation and re-submit all previous change orders, and the requested additional change order, as change order #1.

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

1. The additional change order to the contract with S. Batata Construction, Inc. of South River, New Jersey resulting in an increase in the amount of \$72,687.50 is hereby approved and the contract price revised to \$949,461.00.
2. That all approved change orders associated with this project be combined and re-submitted to the New Jersey Department of Transportation as change order #1 for ease of processing, and the Mayor is authorized to execute same.

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

Resolution 2011-101 Change Order for Memorial Parking Lot Improvements

Council President McGinty moved that resolution 2011- 101, Councilmember Quattrone seconded.

There was discussion.

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

Resolution adopted, 5-0

Resolution 2011-101

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

AUTHORIZING CHANGE ORDER #2 – 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 requested Change Order #2 resulting in an increase in the amount of \$3,500.00 bringing the total amount of the contract to \$349,968.90; and,

WHEREAS, said change order is due to the proposed driveway modification; and,

WHEREAS, the Borough Engineer has recommended approval of this change order; 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:

3. Change Order No. 2 to the contract with Gres Paving Company of Hamilton, New Jersey resulting in an increase in the amount of \$3,500.00 is hereby approved, and the Mayor is authorized to execute same.
4. By virtue of the approval of Change Order No. 2, the revised contract price is \$349,968.90.

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

Discussion – NJDOT 2011 Municipal Aid Program – Milling and Paving for Various Roads

This NJDOT has awarded \$290,000.00 for milling and paving of Mechanic St, Chamberlin St., Rev. Wm. L. Powell Dr., Reed and Purdy Streets. Ms. Roberts estimated the work to be \$378,000.00 and proposed several options for this project. There was discussion and Ms. Roberts requested that Council make a decision as to how they would like to move forward as soon as possible to get the bid process moving.

Ms. Roberts left the meeting at 9:47 PM.

Ordinances:

Ordinance 2011-01 Public Hearing and Final Reading: An Ordinance to Exceed the Municipal Budget Appropriations Limits and Establish a Cap Bank

Councilmember Quattrone moved ordinance 2011-01, Councilmember Gilmartin seconded.

Mr. Lang, CFO, explained the ordinance. There was no further discussion.

Mayor Kirson opened the Public Hearing on Ordinance 2011-01 and the following individuals spoke during the Public Hearing: Scott Castor, 12 Clover Lane; J. P. Gibbons, 602 S. Main Street. Mayor Kirson closed the public comments as no other residents came forward.

Roll Call Vote: Council members Bibens, Gilmartin, McGinty, and Quattrone voted yes, Councilmember Woods voted no.

Ordinance 2011-01 is adopted, 4-1

Ordinance 2011-01

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

**AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO
ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, *N.J.S. 40A: 4-45.1 et seq.*, provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, *N.J.S.A. 40A: 4-45.15a* provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Mayor and Council of the Borough of Hightstown in the County of Mercer finds it advisable and necessary to increase its CY 2011 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Mayor and Council hereby determine that a 1.5% increase in the budget for said year, amounting to \$68,812.02 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Mayor and Council hereby determine that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Mayor and Council of the Borough of Hightstown, in the County of Mercer, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2011 budget year, the final appropriations of the Borough of Hightstown shall, in accordance with this ordinance and *N.J.S.A. 40A: 4-45.14*, be increased by 3.5%, amounting to \$160,561.38, and that the CY 2011 municipal budget for the Borough of Hightstown be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, be filed with said Director within 5 days after such adoption.

April 4, 2011

Ordinance 2011-02 First Reading and Introduction: An Ordinance Establishing Salary Ranges for Certain Officers and Employees of the Borough of Hightstown

Councilmember Quattrone made a motion to move Ordinance 2011-02. Councilmember Gilmartin second.

There was discussion regarding how salaries are paid and the ranges determined.

Roll Call Vote: Council members Bibens, Gilmartin, Quattrone and Woods voted yes; Council President McGinty voted no, Ordinance 2011-Introduced with a 4-1.

Ordinance 2011-02

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

**AN ORDINANCE TO ESTABLISH SALARY RANGES FOR CERTAIN OFFICERS AND EMPLOYEES
OF THE BOROUGH OF HIGHTSTOWN**

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

Section 1. The following official employment designations are hereby confirmed and the rate of compensation of each officer and employee of the Borough of Hightstown, excluding longevity, whose compensation shall be on an annual basis, is:

	RANGING FROM:	TO:
Mayor	\$4,800.00	\$4,800.00
Councilmember	\$3,600.00	\$3,600.00
Borough Clerk	\$40,000.00	\$67,000.00
Treasurer	\$40,000.00	\$60,000.00
Tax/Water/Sewer Collector	\$20,000.00	\$30,000.00
Deputy Tax/Water/Sewer Collector	\$8,000.00	\$18,400.00
Tax/Utility/Payroll Clerk	\$28,000.00	\$35,000.00
Tax Assessor	\$7,500.00	\$14,375.00
Registrar of Vital Statistics	\$2,500.00	\$5,000.00
Deputy Registrar of Vital Statistics	\$1,000.00	\$4,600.00
Municipal Court Administrator	\$40,000.00	\$65,000.00
Deputy Municipal Court Administrator	\$28,000.00	\$35,000.00
Administrative Assistant/Secretary	\$22,000.00	\$44,000.00
Planning Board Secretary	\$1,000.00	\$16,000.00
Technical Assistant	\$28,000.00	\$40,000.00
Construction Code Official	\$18,000.00	\$35,000.00
Fire Subcode Official	\$3,500.00	\$6,000.00
Building Subcode Official	\$3,500.00	\$6,000.00

	RANGING FROM:	TO:
Superintendent of Public Works	\$50,000.00	\$82,000.00
Assistant Superintendent of Public Works	\$50,000.00	\$66,000.00
Water Plant Operator	\$40,000.00	\$70,000.00
Superintendent of AWWTP	\$50,000.00	\$80,000.00
Lab Manager - AWWTP	\$35,000.00	\$60,000.00
Chief of Police	\$65,000.00	\$120,000.00
Secretary - Board of Health	\$500.00	\$1,500.00
Computer Systems Administrator	\$3,000.00	\$6,000.00
Chief Financial Officer	\$2,000.00	\$50,000.00
Building Inspector	\$3,500.00	\$4,500.00
Health Officer	\$8,000.00	\$13,000.00

Section 2. The following official employment designations are hereby confirmed and the rate of compensation of each officer and employee of the Borough of Hightstown, whose compensation shall be on an hourly basis, is:

	RANGING FROM:	TO:
Part-time clerical	\$8.00	\$30.00
Violations Clerk (part-time)	\$10.00	\$15.00
Disposition Clerk (part-time)	\$12.50	\$25.00
Special Officer – Municipal Court	\$25.00	\$35.00
Public Health Nurse	\$25.00	\$45.00
School Crossing Guard	\$15.00	\$25.00
Radio Dispatcher	\$8.00	\$25.00
Special Officer II	\$24.00	\$34.00
Administrative Assistant/Secretary	\$10.50	\$20.00
Administrative Assistant – Floater	\$13.50	\$21.00
Public Works Foreman	\$16.00	\$27.00
Public Works Heavy Equipment Operator	\$14.00	\$25.00
Public Works Automated Vehicle Operator	\$14.00	\$25.00
Public Works Driver/Laborer	\$10.00	\$20.00
Public Works Laborer	\$8.00	\$18.00
Public Works Municipal Building Maintenance	\$8.00	\$16.00
Public Works Mechanic	\$10.00	\$25.00

	RANGING FROM:	TO:
Seasonal/Temporary Labor	\$8.00	\$16.00
Assistant Water Plant Operator	\$14.00	\$23.00
Water Plant Lead Operator	\$40.00	\$49.00
AWWTP Maintenance	\$15.00	\$25.00
AWWTP Operator Trainee (up to 1 year exp)	\$12.00	\$15.50
AWWTP Operator – Class I (min. 1 year exp)	\$14.50	\$17.00
AWWTP Operator – Class II (min. 2 years exp)	\$15.25	\$18.50
AWWTP Operator – Class III (min. 3 years exp)	\$16.50	\$21.00
AWWTP Operator – Class IV (min. 4 years exp)	\$17.25	\$25.00
Recreation Director (part-time)	\$20.00	\$40.00
Assistant Recreation Director (part-time)	\$8.00	\$20.00
Junior Recreation Counselor (part-time)	\$6.00	\$12.00
Housing Inspector	\$14.00	\$35.00
Fire Inspector	\$14.00	\$35.00
Building Inspector	\$14.00	\$35.00
Fire Official	\$14.00	\$35.00
Zoning Officer	\$14.00	\$30.00
Electric Subcode Official	\$14.00	\$40.00
Plumbing Subcode Official	\$14.00	\$40.00
Borough Administrator	\$30.00	\$53.00

Section 3. This Ordinance shall take effect after final passage and publication as provided by law, but the ranges of compensation herein provided shall be effective January 1, 2011.

Section 4. The salary ranges established in this ordinance supersede any established for the same positions in previous salary ordinances, and will remain in effect until changed by the adoption of a new or amending Salary Ordinance.

Resolution 2011-102 Authorizing the Payment of Bills

Councilmember Quattrone moved resolution 2011-102. Councilmember Gilmartin seconded.

Councilmember Gilmartin needs to recuse herself from the vote on the payment for Board of Health Recording Secretary in the amount of \$93.00 and has asked that it be pulled from the list and voted separately as the payee is a family member and she feels she has a conflict of interest regarding this payment.

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

Resolution 2011-102 adopted as amended with 5-0.

Council President McGinty then moved the payment to the Board of Health Recording Secretary in the amount of \$93.00, Councilmember Quattrone seconded.

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

Invoice paid, 4-0 with 1 abstention.

Resolution 2011-102

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 \$ 249,170.73 from the following accounts

Current	\$ 127,775.66
W/S Operating	104,533.47
General Capital	250.00
Water/Sewer Capital	16,000.00
Grant	-
Trust	533.00
Housing Trust	-
Animal Control	78.60
Law Enforcement Trust	-
Housing Rehab Loans	-
Unemployment Trust	
Escrow	
Total	<u>\$ 249,170.73</u>

Resolution 2011-103 Authorizing Emergency Temporary Appropriations Prior to Adoption of the 2011 Budget

Councilmember Woods moved Resolution 2011-103, Councilmember Quattrone seconded.

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

Resolution 2011-103 adopted with a vote of 5-0

Emergency Temporary #5

Resolution 2011-103

Current Fund

Medical Insurance	Other Expenses	50,000.00
Legal	Other Expenses	30,000.00
Uniform Fire Safety Act	Other Expenses	<u>500.00</u>
Total Current		<u>80,500.00</u>

Water Sewer

Salary & Wages	50,000.00
Other Expenses	<u>25,000.00</u>
Total Water-Sewer	<u>75,000.00</u>

Grand Total

155,500.00

Resolution 2011-104 Dissolution of the Police Subcommittee to Study Police Staffing and Part-Time Special Officers

Councilmember Quattrone moved resolution 2011-104, Councilmember Bibens seconded.

After a brief discussion Mr. Raffetto asked that the discussion be deferred to Executive Session for Attorney-Client privileges.

Councilmember Quattrone withdrew his motion to accept resolution 2011-104. Resolution 2011-104 has been deferred for discussion in executive session.

Resolution 2011-105 Release of Escrow Funds – New Circular Wireless PCS, LLC

Mayor Kirson stated that all work has been completed by the company and they have requested the return of all escrow accounts. Ms. Roberts has signed off on all work performed. There is no further reason to hold the escrow monies.

Councilmember Quattrone moved resolution 2011-105, Councilmember Bibens seconded.

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

Resolution 2011-105 adopted with a vote of 5-0.

Resolution 2011-105

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

**AUTHORIZING RELEASE OF FUNDS REMAINING IN ESCROW – NEW CINGULAR
WIRELESS PCS, LLC D/B/A AT&T MOBILITY (BLOCK 61.01, LOTS 43, 44 & 45)**

WHEREAS AT&T Mobility has requested that the funds remaining in their escrow account with the Borough for Block 61.01, Lots 43, 44 and 45 be released; and

WHEREAS the Borough Professionals have certified that there are no outstanding fees related to the project; and

WHEREAS the Borough Engineer has recommended the release of the remaining escrow funds.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Acting Treasurer is authorized and directed to release to AT&T Mobility all amounts remaining in the escrow account for Block 61.01, Lots 43, 44 and 45.

A certified copy of this Resolution shall be provided to the following:

- a. New Cingular PCS, LLC d/b/a AT&T Mobility
- b. Janice Mohr-Kminek, Acting Treasurer
- c. Susan Jackson, Planning Board Secretary
- d. Carmela Roberts, Borough Engineer
- f. Gary Rosensweig, Planning Board Attorney

Mayor Kirson asked for a consent agenda on resolutions 2011-106, 2011-107 and 2011-108. Councilmember Gilmartin made a motion to group the resolutions as a consent agenda. Council President McGinty second.

Resolution 2011-106 - Authorizing the Issuance of a Raffle License - Hightstown Engine Co. #1 Ladies Auxiliary

Resolution 2011-107 - Authorizing the Issuance of a Raffle License - Hightstown Engine Co. #1 Ladies Auxiliary

Resolution 2011-108 - Authorizing the Issuance of a Auction License – Greenway Bridge Committee

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

Resolutions 2011-106, 2011-107 & 2011-108 were adopted with a vote of 5-0.

Resolution 2011-106

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

**AUTHORIZING ISSUANCE OF RAFFLE LICENSE #RL-2011-007 TO
HIGHTSTOWN ENGINE CO #1 LADIES AUXILIARY**

WHEREAS, the Hightstown Engine Co #1 Ladies Auxiliary wishes to hold an on-premise merchandise raffle at the Hightstown Firehouse, 140 N. Main Street, on May 21, 2011; and

WHEREAS, the group has submitted application number RA-2011-007 along with the appropriate fees for this raffle; and

WHEREAS, the Borough Clerk and the Chief of Police have reviewed the application and have determined that the requirements of N.J.S.A. 5:8-53, regarding the applicant, the members in charge of the game, and the game itself, have been met;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Borough Clerk is authorized to issue Raffle License No. RL-2011-007 to Hightstown Engine Co. #1 Ladies Auxiliary for their on-premise merchandise raffle to be held on May 21, 2011.

Resolution 2011-107

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

**AUTHORIZING ISSUANCE OF RAFFLE LICENSE #RL-2011-008 TO
HIGHTSTOWN ENGINE CO #1 LADIES AUXILIARY**

WHEREAS, the Hightstown Engine Co #1 Ladies Auxiliary wishes to hold an on-premise 50/50 raffle at the Hightstown
April 4, 2011

Firehouse, 140 N. Main Street, on May 21, 2011; and

WHEREAS, the group has submitted application number RA-2011-008 along with the appropriate fees for this raffle; and

WHEREAS, the Borough Clerk and the Chief of Police have reviewed the application and have determined that the requirements of N.J.S.A. 5:8-53, regarding the applicant, the members in charge of the game, and the game itself, have been met;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Borough Clerk is authorized to issue Raffle License No. RL-2011-008 to Hightstown Engine Co. #1 Ladies Auxiliary for their on-premise 50/50 raffle to be held on May 21, 2011.

Resolution 2011-108

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

**AUTHORIZING ISSUANCE OF LICENSE FOR AUCTION -
GREENWAY WALKING BRIDGE COMMITTEE**

WHEREAS, an application for a license to hold an auction on Saturday, May 21, 2011 at Memorial Park in the Borough of Hightstown has been submitted by the Greenway Walking Bridge Committee; and

WHEREAS, the application fee for said permit was waived pursuant to resolution 2011-36; 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 Greenway Walking Bridge Committee 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 Greenway Walking Bridge Committee for their auction to be held on Saturday, May 21, 2011 at Memorial Park.

Mayor Kirson has received reports from George Chin, Hightstown Borough Construction/Code Official on some housing issues for the month of March. The issues include renting without registrations, some foreclosures, complaints on property maintenance, key locks on bedrooms, and some garbage maintenance issues.

For the month of March the Police Department has issued 272 total summons: 6 for DWIs, 25 for local ordinance violations, and the remainder were traffic violations.

Council President McGinty asked for the reports to be included in the packets. As the liaison to the Court, Council President McGinty finds that the number and types of summons coming out of the court has declined over the past few years.

Zoning Ordinance Revision: 28-28-2j

Mr. Schmeling, Borough Zoning Officer has requesting wording changes be made to Zoning Ordinance 28-28-2(j). which refers to conforming and non-conforming lots; he would like to see the wording changed to make it more uniform. A suggestion was to table this in order to get clarification on what needs to be changed.

The Mayor opened Public Comment Period II and the following individuals spoke during the period: Scott Caster, 12 Clover Lane; Pat Duncan, 158 Grant Ave; Mike Theokas 142 Mill Run East; J.P. Gibbons, 602 S. Main Street; and Rob Thibault, 504 S. Main Street.

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

Council/Mayor/Administrative Comments

Councilmember Quattrone – no comment.

Councilmember Bibens – no comment

Councilmember Gilmartin – appreciates all the positive comments about Downtown Hightstown and all the work that is being done to make it a destination for people to go. She feels that looking at the length of time for parking in the Memorial Parking Lot should be addressed. As for the gang report, when the State Police gave the report they made a very big statement but the reality is that most of us still feel very safe in Hightstown and don't feel differently about walking through town at different hours of the day. She also feels that the statement from Mike about grant money is a good one and does need to be looked at carefully. She also would like to have at least 48 hours to look at Resolution 2011-109. She commented that she isn't opposed to it but just would like to have time to get all the information before making a decision.

Councilmember Woods – feels that it is time that the Council and Borough move forward and focus on positive things that has been happening in the Borough.

Council President McGinty – she commented that she did not have the Resolution for the Indemnification available before the meeting. She feels that a Council member recused themselves from the meeting and this should be addressed by the Council quickly and needs to be on the next agenda. As far as the Gang Report, it is interesting to see the decline in criminal activities. This is volunteer recognition month and it would be nice to see something on the agenda in regards to this. The issue with Taxi Licensing, it is now April and we need to move forward. She isn't opposed to a full time Administrator. She then commented regarding transparency and accountability and the need for two public comment periods during a meeting. She isn't a fan of a time frame but she feels that some of the public needs to have constraint on the amount of time they speak. As for communicating with other Council members she does believe that it is a two way street and when she sends out emails she should get a response back. In regards to the tax flat rate, she has concerns because of the Police Departments and their staffing issues.

Mayor Kirson – He has put together a nice sub-committee to review the 25 resumes that have come in for the position of Administrator. The Sub-committee consists of residents from the community: Mike Theokas, Mike Vanderbeck and Cappy Stults; they are former Councilmembers and businessmen in the Borough. He feels that the Borough Administrator position should be full time, but they should be open to flexibility. He also feels that there should be a time limit on public comments because you should be able to get your point across in 5 minutes.

There were no more comments.

Mayor Kirson asked for a motion to go back into Executive session. Council President made the motion. Councilmember Quattrone seconded. All approved. Council re-convened into executive session at 11:15 PM.

Council re-convened into open session at 11:45 PM

Resolution 2011-104 Dissolution of the Police Subcommittee to Study Police Staffing and Part-Time Special Officers

Councilmember Quattrone moved resolution 2011-104. Council President McGinty seconded with the amended wording of adding "overtime and cost issues" to the first Whereas and in the Now Therefore sections of the resolution.

Roll Call Vote: Council members Bibens, Gilmartin, Quattrone and Woods voted yes. Council President McGinty voted no.

Resolution 2011-104 adopted as amended 4-1 vote.

Resolution 2011-104

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

DISSOLUTION OF THE POLICE SUBCOMMITTEE TO STUDY POLICE STAFFING AND PART-TIME SPECIAL OFFICERS

WHEREAS, The Borough Council appointed a Police Subcommittee consisting of Councilmembers McGinty, Musing and Gilmartin to evaluate police department staffing, overtime and cost issues, and part-time special officers at their meeting of April 4, 2011

November 15, 2010; and

WHEREAS, the subcommittee has completed their task and issued a report and recommendations to the entire Borough Council; and

WHEREAS, it is the desire of the Borough Council to dissolve this subcommittee.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Police Subcommittee consisting of Councilmembers McGinty, Musing and Gilmartin to evaluate police department staffing, overtime and cost issues, and part-time special officers at their meeting of November 15, 2010 is hereby dissolved.

Resolution 2011-110 -Appointing a Municipal Court Administrator – Kristy Gilsenan

Councilmember Quattrone moved Resolution 2011-110 with an effective date of April 1, 2011. Councilmember Gilmartin seconded.

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

Resolution 2011-110 was adopted with 5-0 vote.

Resolution 2011-110

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

APPOINTING A MUNICIPAL COURT ADMINISTRATOR – KRISTY GILSENAN

WHEREAS, Resolution 2010-169 appointed Kristy Gilsenan as Acting Municipal Court Administrator effective June 19, 2010; and

WHEREAS, Kristy Gilsenan served as Deputy Court Administrator prior to assuming the position of Acting Court Administrator; and

WHEREAS, the Borough Administrator has recommended that Kristy Gilsenan be appointed to the position of Municipal Court Administrator; and

WHEREAS, James M. Newman, Municipal Court Judge, has recommended that Kristy Gilsenan be appointed to the position of Municipal Court Administrator; and,

WHEREAS, Kristy Gilsenan shall not receive a change in salary to perform the duties and assume the responsibilities of the position of Municipal Court Administrator.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Hightstown, that Kristy Gilsenan is hereby appointed as Municipal Court Administrator for the Borough of Hightstown at her current salary effective April 1, 2011.

Resolution 2011-111 -Appointing a Municipal Treasurer – Janice Mohr-Kminek

Council President McGinty moved resolution 2011-111 effective April 1, 2011 at a salary increase of \$5,000.00, Councilmember Bibens seconded.

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

Resolution 2011-110 was adopted with 5-0 vote.

Resolution 2011-111

April 4, 2011

- 16 -

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

APPOINTING A TREASURER – JANICE MOHR-KMINEK

WHEREAS, Resolution 2011-15 appointed Janice Mohr-Kminek as Acting Treasurer effective January 1, 2011; and

WHEREAS, Janice Mohr-Kminek trained in the Finance office to assume the duties of Treasurer and is in the process of taking the appropriate classes for this title and the duties performed by her have been evaluated and reviewed by the Borough Administrator and Chief Financial Officer; and

WHEREAS, the Borough Administrator has recommended that Janice Mohr-Kminek be appointed to the position of Treasurer; and

WHEREAS, George Lang, Chief Financial Officer, has recommended that Janice Mohr-Kminek be appointed to the position of Treasurer; and,

WHEREAS, Janice Mohr-Kminek shall receive a salary adjustment of \$5,000.00 per annum to perform the duties and assume the responsibilities of the position of Treasurer.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Hightstown, that Janice Mohr-Kminek is hereby appointed as Treasurer for the Borough of Hightstown at her new rate of \$48,842.13 effective April 1, 2011.

Council President McGinty moved to adjourn the meeting at 12:30 PM and Councilmember Bibens seconded; the Motion was approved unanimously.

Respectfully Submitted,

Susan D. Jackson,

Acting Deputy Borough Clerk