

Meeting Minutes
Hightstown Borough Council
Regular Meeting
July 5, 2011
6:30 pm

The meeting was called to order by Mayor Kirson at 6:35 pm and he read the Open Public Meetings Act statement which stated, "Adequate notice of this meeting has been given in accordance with the Open Public Meetings Act, pursuant to Public Law 1975, Chapter 231. Said notice was advertised in the *Trenton Times* and the *Windsor-Hights Herald*, and is posted in the Borough Clerk's office."

The Mayor called for a Roll Call.

ROLL CALL

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

Also in attendance: Debra Sopronyi, Borough Clerk; and Frederick Raffetto, Borough Attorney.

Resolution 2011-178

Council President Quattrone moved to amend resolution 2011-178 to include contract negotiations – Integra Realty. Councilmember Quattrone seconded.

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

Resolution amended, 6-0.

Council President Quattrone moved resolution 2011-178 as amended, Councilmember Quattrone seconded.

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

Resolution adopted as amended, 6-0

Resolution 2011-178

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 July 5, 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 – Borough Administrator
Litigation – Lasky
Contract Negotiations – Integra Realty

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: October 5, 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 7:40 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 had also joined the public meeting.

Councilmember McGinty motioned that the agenda be amended by changing the status of ordinance 2011-10 from introduction to discussion and removing resolution 2011-185, Councilmember Gilmartin seconded.

Council President Quattrone motioned that the agenda be amended by moving resolution 2011-184 to be heard prior to the ordinances, Councilmember Vanderbeck seconded.

Council President Quattrone moved the agenda as amended. Councilmember McGinty seconded. All ayes.

Agenda approved as amended, 6-0.

Councilmember McGinty requested that the June 6, 2011 executive session minutes be tabled until the next meeting, all ayes.

Council President Quattrone moved the June 6, 2011 open session minutes for approval, Councilmember Gilmartin seconded. Mayor Kirson called for a roll call vote.

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

Minutes approved, 5-1.

Scott Jenkins, representative of the Voices of Hightstown, along with Fran Palumbo, owner of the Tavern, presented a \$3,000.00 check to Bill Gilmore, representative of the Greenway Bridge Committee. This check represented the funds raised through the Beer and Beef fundraiser held at the Tavern and sponsored by the Voices of Hightstown. Mr. Gilmore expressed thanks to the Voices of Hightstown for their support and the Mayor thanked the Tavern for donating their facility and support.

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

Phyllis Deal, 305 Stockton Street; Stacy Gatlin, 115 Reed Street; J P Gibbons, 602 N. Main Street; Gail Doran, 201 Hutchinson Street; Adrienne Kutcher, 132 Morrison Avenue; Fran Palumbo, 101 Main Street; Eugene Sarafin, 628 S. Main Street; Walter Sikorski, 326 N. Main Street; and David Bell, 114 First Avenue..

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

Resolution 2011-184 Authorizing Payment #5 – S. Batata Construction, Inc. (Stockton Street Historic District Streetscape Infrastructure Project)

Council President Quattrone moved resolution 2011-184, Councilmember Bibens seconded.

Dan Buriak reviewed the status of this project. Council thanked Mr. Buriak for the time and effort he has spent on this project.

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

Resolution adopted as amended, 6-0

Resolution 2011-184

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

**AUTHORIZING PAYMENT # 5 – 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 #5 for work done in the total amount of \$113,967.90; and,

WHEREAS, the Borough Engineer has recommended approval of this payment request pending receipt of required certified payrolls; and

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown Payment Request No. 5 from S. Batata Construction, Inc. of South River, New Jersey in the amount of \$113,967.90, as detailed herein, is hereby approved, and the Treasurer is authorized to issue same once all required certified payrolls are received.

The Borough Attorney, Mr. Raffetto, advised the public that the draft ordinance was not ready in time for the packets and that Council had not had adequate time for review, therefore he suggested that discussion on the title and ordinance be held at this time. He went on to advise that this draft of the ordinance was derived from his review of ordinances from various municipalities. He suggested that the title in the ordinance be Police Director versus Public Safety Director; the latter giving the impression that this title would oversee the Fire company and First Aid as well as the Police Department, which pursuant to his understanding, is not the intent of Council. Mr. Raffetto then explained that this ordinance will repeal the title of Police Chief effective September 1, 2011 and suggested that Labor Counsel also review the ordinance. There was discussion regarding the new title and the need to clean up inconsistencies in the code regarding the number of staff and chain of command in the Police Department. The Mayor requested that a committee of Councilmembers work with the Attorney to address the needed revisions to the ordinance for the next meeting; Council President Quattrone and Councilmember McGinty agreed to serve on the Committee. Council instructed the Borough Clerk to place the present draft ordinance on the website so it can be reviewed by the public.

Ordinance 2011-09 An Ordinance Amending and Supplementing Section 7-20, Entitled “Stop Intersections” of Chapter 7, “Traffic” of the Revised General Ordinances of the Borough of Hightstown.

Council President Quattrone inquired of the Borough Attorney what the process would be to postpone this ordinance; the Borough Attorney advised Council of their options for tabling the ordinance.

Mayor Kirson opened the public comment period on ordinance 2011-09 with the following individuals speaking:

Vince Traylor, 202 Morrison Avenue – requested that the ordinance be postponed until alternative actions can be investigated

Adrienne Kutcher, 132 Morrison Avenue – requested that there be an alternative to slowing down the traffic

Eugene Sarafin, 628 S. Main Street – spoke about red lights and stop signs

Phyllis Deal, 305 Stockton Street – commented about parked cars in the area and difficulty maneuvering the intersection

J P Gibbons, 602 Main Street – discussed the purpose of stop signs

Gail Doran, 201 Hutchinson Street – commented on the need for additional police presence in the area

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

Council President Quattrone explained that he, along with Councilmembers Bibens and Gilmartin, met with the residents of Morrison Avenue and it was concluded that the residents would like to find an alternative way to slow traffic in the area.

Council President Quattrone moved that this ordinance be tabled indefinitely, Councilmember Bibens seconded.

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

Resolution adopted, 4-1, with one abstention.

Resolution 2011-180

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

**AUTHORIZING AN AGREEMENT FOR PROFESSIONAL LEGAL SERVICES –
MCLAUGHLIN, GELSON, D'APOLITO & STAUFFER, LLC**

WHEREAS, there exists the need for specialized legal services relative to personnel matters during 2011; and

WHEREAS, Hightstown Borough solicited Proposals for these services on February 1, 2011 for Professional Services for 2011 and five (5) proposals were received for Labor Counsel Services; and,

WHEREAS, the Borough Council wishes to appoint Richard J. Shaklee, Esq. of McLaughlin, Gelson, D'Apolito & Stauffer, LLC of Neptune, New Jersey as Labor Counsel; and

WHEREAS, the cost for the proposed services shall not exceed \$30,000.00 without further approval by the Borough Council; and,

WHEREAS, this contract is being awarded through a Fair and Open Process in compliance with the Local Public Contracts Law; and

WHEREAS, the Borough Attorney shall review and approve said agreement prior to execution by the Borough; and,

WHEREAS, the Treasurer has certified that funds are available in the 2011 budget for this purpose.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Hightstown, in the County of Mercer and State of New Jersey that the Mayor is authorized to execute and the Borough Clerk to attest an Agreement between the Borough of Hightstown and Richard J. Shaklee, Esq. of Neptune, New Jersey regarding the above-referenced Labor Counsel services for 2011.

Resolution 2011-181 Authorizing an Agreement for Professional Services – Integra Realty

Council President Quattrone moved resolution 2011-181, Councilmember Gilmartin seconded.

The Mayor gave an explanation of the resolution.

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

Resolution adopted, 6-0

Resolution 2011-181

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

**AUTHORIZING AN AGREEMENT FOR PROFESSIONAL SERVICES – INTEGRA REALTY
RESOURCES**

WHEREAS, there exists the need for specialized appraisal services relative to litigation resulting from a zoning challenge for the property located at 480 Mercer Street; and

WHEREAS, Anthony M. Graziano, of the firm Integra Realty Resources, 1415 Hooper Avenue, Ste. 202, Toms River, New Jersey, has submitted a proposal for the needed services; and

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WHEREAS, the cost for the proposed services shall not exceed \$20,000.00 without further approval by the Borough Council; and,

WHEREAS, the Borough Treasurer has certified that funds are available for this purpose; and,

WHEREAS, the Borough Attorney has reviewed and approved the agreement; and

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

WHEREAS, it has been determined that the value of this contract may exceed \$17,500, and therefore the contract is also subject to the provisions of the State’s Local Unit Pay-to-Play Law, N.J.S.A. 19:44A-20.4, *et seq.*; and

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

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

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

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

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

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be forwarded to Anthony M. Graziano; George Lang, Chief Financial Officer; and the Contract File.

Resolution 2011-182 Authorizing the Mayor to Execute an Agreement for the 2011 Sustainable Land Use Planning Grant from ANJEC

Council President Quattrone moved resolution 2011-181, Councilmember Gilmartin seconded.

The Mayor gave an explanation of the resolution and there was discussion..

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

Resolution adopted, 6-0.

Resolution 2011-182

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

**AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT FOR THE 2011
SUSTAINABLE LAND USE PLANNING GRANT FROM THE ASSOCIATION OF
NEW JERSEY ENVIRONMENTAL COMMISSIONS (ANJEC)**

WHEREAS, Resolution 2011-88 which was adopted by the Hightstown Borough Council at their meeting of March 21, 2011 authorized the Environmental Commission to submit an application for a 2011 Sustainable Land Use Planning Grant; and

WHEREAS, the Hightstown Environmental Commission has received said grant from the Association of New Jersey Environmental Commission (ANJEC) in the amount of \$5,250.00 for the purpose of preparing an Environmental Resource Inventory; and

WHEREAS, the completed Environmental Resource Inventory shall be presented to the Planning Board with a recommendation for adoption into the Master Plan.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that Mayor Steven Kirson is hereby authorized to execute an agreement with the Association of New Jersey Environmental Commission (ANJEC) for the 2011 Sustainable Land Use Planning Grant as stated herein.

Resolution 2011-183 Authorizing Change Order #3 & Payment #3 – Gres Paving Company (Memorial Park Improvements)

Council President Quattrone moved resolution 2011-183, Councilmember Vanderbeck seconded.

There was discussion.

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

Resolution adopted, 6-0.

Resolution 2011-183

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

**AUTHORIZING PAYMENT #3 AND CHANGE ORDER #3 – 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 #3 for work done in the total amount of \$42,079.43; and

WHEREAS, the Contractor has requested Change Order #3 resulting in an increase in the amount of \$729.00 bringing the total amount of the contract to \$350,697.90; and,

WHEREAS, said change order is due to extras 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 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:

1. Change Order No. 3 to the contract with Gres Paving Company of Hamilton, New Jersey resulting in an increase in the amount of \$729.00 is hereby approved, and the Mayor is authorized to execute same.
2. By virtue of the approval of Change Order No. 3, the revised contract price is \$350,697.90.
3. Payment Request No. 3 from Gres Paving Company of Hamilton, New Jersey in the amount of \$42,079.43, as detailed herein, is hereby approved, and the 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, Treasurer and Contract file.

Resolution 2011-186 Changing the Status of an Employee to Permanent – Nancy Kisan

Councilmember Vanderbeck moved resolution 2011-186, Council President Quattrone seconded.

There was discussion and it was noted that the employee start date needs to be corrected to read March.

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

Resolution adopted, 5-1.

Resolution 2011-186

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

CHANGING THE STATUS OF AN EMPLOYEE TO PERMANENT – NANCY KISLAN

WHEREAS, Nancy Kisan was hired on March 28, 2011 as Administrative Assistant to the Police Department; and

WHEREAS, Nancy Kisan has served in this capacity since that date; and

WHEREAS, the Chief of Police has found that Nancy Kisan has performed the duties associated with this position in an outstanding manner; and

WHEREAS, the Chief of Police has recommended that Nancy Kisan's employee status be upgraded to permanent pursuant to the Hightstown Borough Personnel Policy; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Hightstown, that Nancy Kisan is hereby appointed a permanent employee for the Borough of Hightstown effective June 28, 2011.

Council President Quattrone gave an update regarding police enforcement.

Councilmember Vanderbeck gave an update regarding code enforcement and directed the Borough Attorney to draft ordinances pertaining to satellite dish placement, water discharge and solar panels. He then asked Council to approve Ms. Gatlin's request to put curbing around her property at 115 Reed Street.

Ms. Gatlin stepped forward and distributed photos, a letter from the Zoning Officer and a survey of her property. She began a landscaping project and did not realize she needed a permit. This project includes what she called "a wall", which was determined to be a curb. This curb would encroach upon Borough property and the Borough Attorney recommended that the Council not approve this project without a resolution to grant encroachment on the Borough's right-of-way, and an executed Hold Harmless Agreement to protect the Borough.

There was discussion on the matter and Council had concern regarding the placement of the curb and the liability of the Borough if the curb is damaged when they plow snow. There was discussion regarding the lack of proper permitting. Ms. Gatlin was advised that Council will address her matter at the next Council meeting to allow time for Council to review information from the Zoning Officer and look at the property first-hand.

Councilmember Vanderbeck left the meeting at this time.

Mayor Kirson opened Public Comment Period II and the following individuals spoke: Eugene Sarafin, 628 S. Main Street; J P Gibbons, 602 N. Main Street; Scott Caster, 12 Clover Lane; Rob Thibault, 504 S. Main Street; Fran Palumbo, 101 Main Street..

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

Council/Mayor/Administrative Comments

Council President Quattrone – commented that Public Works needs additional staff and specifications for a new truck are being prepared. He continued that the First Aid has a new President and Captain, and that Chief Eufemia has requested that he be

granted permission to take his revolver and uniform with him at retirement, which is not out of the ordinary. He asked if the microphone where he sits could be repaired as it does not work and agreed with the Borough Attorney regarding the Right-of-Way agreement. He then reiterated that the discussion with residents regarding the four-way stop sign on Morrison was very productive.

Councilmember McGinty – commented on police issues and inquired as to when the Mayor would hold a town meeting; she also suggested that a special meeting be held that would be dedicated to police issues and the ordinance revision.

Councilmember Gilmartin – advised that public discussion regarding police issues opened a couple weeks ago and there has been public interaction; she added that the First Aid has new volunteers.

Councilmember Bibens – stated that she will reach out to the Parks & Recreation Commission regarding getting the Bank Street Park cleaned up and she will investigate Mrs. Palumbo's proposal for a Beach Party at Memorial Park. She then agreed with Council President Quattrone that discussion with the residents on Morrison Avenue went well. She emphasized that Council needs to make an important decision regarding the Police/Public Safety Director title and ordinance; and that the police need to enforce a "don't block the box" at Franklin and Main Streets.

Mayor Kirson – stated that there will be further discussion regarding the Police/Public Safety Director ordinance as the Police Director title creates a different dynamic.

Council President Quattrone moved that Council re-convene into executive session at 11:00pm, Councilmember McGinty seconded. All ayes.

Council re-convened into open session at 11:15PM

Councilmember McGinty moved to adjourn the meeting at 11:15 PM and Councilmember Bibens seconded; the motion was approved unanimously.

Respectfully Submitted,

Debra L. Sopronyi
Borough Clerk