

**Meeting Minutes**  
**Hightstown Borough Council**  
**Regular Meeting**  
**November 21, 2011**  
**6:30 pm**

The meeting was called to order by Mayor Kirson at 6:45 pm and he read the Open Public Meetings Act statement which stated, "Adequate notice of this meeting has been given in accordance with the Open Public Meetings Act, pursuant to Public Law 1975, Chapter 231. Said notice was sent to the *Trenton Times* and the *Windsor-Hights Herald*, and is posted in the Borough Clerk's office."

The 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; Michael Theokas, Borough Administrator and Frederick Raffetto, Borough Attorney; Susan Bluth and Robert Thibault, Council members-Elect.

Mayor Steven Kirson and Assemblyman Wayne DeAngelo administered the oath of office to newly elected Councilmember Gail Doran. Councilmember Doran then took her seat at the dais and Mr. Vanderbeck seated himself in the audience.

The Mayor requested a Roll Call for the new Council.

ROLL CALL

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

**Resolution 2011-276**

Councilmember McGinty moved resolution 2011-276 with the amendment that Attorney-Client Privilege be added to the resolution, Councilmember Doran seconded.

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

Resolution adopted as amended, 5-0

**Resolution 2011-276**

*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 November 21, 2011 at approximately 6:30 pm at the First Aid building on Bank Street that will be limited only to consideration of an item

November 21, 2011

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:

Attorney-Client Privilege  
Contract Negotiations –Lucas & Americana  
Litigation Update

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: February 21, 2012, or when the need for confidentiality no longer exists.

The public is excluded from said meeting, and further notice is dispensed with, all in accordance with sections 8 and 4a of the Open Public Meetings Act.

Council re-convened into open session at 7:33 pm.

The public meeting was called to order by Mayor Kirson at 7:42 pm and he again read the Open Public Meetings Act statement.

The Flag Salute followed roll call which has remained the same.

Councilmember McGinty motioned that the agenda be amended by moving public comment period II to after the discussion items, Councilmember Doran seconded.

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

Agenda approved as amended, 5-0.

Council President Quattrone moved the minutes of the August 15, 2011 open session; Councilmember Woods seconded. The Mayor called for a roll call vote for the approval of the minutes.

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

Minutes approved, 3-0, with two abstentions.

### **Proclamations**

Councilmember McGinty recused herself from the first two proclamations presented.

The Mayor stated that these proclamations are being presented to individuals who are recognized by their peers as doing a great service to Hightstown Borough.

The Mayor then read the Policeman of the Year Proclamation and presented it to Patrolman Frank Jiminez. The Mayor and Council then thanked Patrolman Jiminez and congratulated him on a job well done.

BOROUGH OF HIGHTSTOWN  
**Proclamation**

2010 Police Officer of the Year – Patrolman Francisco Jimenez

*Whereas, Francisco Jimenez was appointed as a Hightstown Patrol Officer on April 17, 2006; and*

*Whereas, Patrolman Jimenez was recognized by his peers as being one of the top productive officers, making forty-nine arrests in 2010; and*

*Whereas, Patrolman Jimenez was one of the top officers in the area of driving while intoxicated enforcement and arrests in 2010, making eighteen drunk driving arrests; and*

*Whereas, Patrolman Jimenez conducts himself in a professional manner in all aspects of his life, while on-duty or off-duty; and*

Whereas, *Patrolman Jimenez was recognized by his peers and voted as 2010 Police Officer of the Year;*

Now, Therefore, Be It Proclaimed by the Mayor and Council of the Borough of Hightstown that **Patrolman Francisco Jimenez**, having been selected by vote of his peers, is hereby recognized as **2010 Police Officer of the Year** and is commended for his professionalism, compassion, dedication to law enforcement and committed service to the Borough of Hightstown and its residents.

Presented this 21<sup>st</sup> day of November, 2011

The Mayor then read the EMT of the Year Proclamation and presented it to Mark Madonia. The Mayor and Council then thanked Mr. Madonia and congratulated him on a job well done.

#### BOROUGH OF HIGHTSTOWN

#### Proclamation

2010 E.M.T. of the Year – Capt. Mark Madonia

Whereas, *Mark Madonia is performing a valuable service to the residents of Hightstown as a volunteer Emergency Medical Technician with the Hightstown First Aid Squad; and*

Whereas, *in the short period of time that Mr. Madonia has served on the squad, he has held numerous offices including Captain and President. He has served on the squad's Hall, Computer, House, Ambulance, Fundraising, Publicity and Education committees; and has been recognized by his peers as a great asset to the First Aid Squad.*

Whereas, *Mr. Madonia currently rides on several duty crews a week; and*

Whereas, *Mr. Madonia participates in all First Aid Squad activities, including the Hightstown and Cranbury Memorial Day parades and the annual Palm Sunday Pancake Breakfast; and*

Whereas, *the volunteer services provided to the Borough of Hightstown by Mark Madonia have helped to enhance the safety, well being and peace of mind of Borough residents; and*

Whereas, *Captain Mark Madonia has been chosen by his peers as **2010 E.M.T. of the Year**.*

Now, Therefore, Be It Proclaimed by the Mayor and Council of the Borough of Hightstown that **Mark Madonia** is hereby recognized as **2010 E.M.T. of the Year**, and that he is commended for his commitment, dedication and devoted service to the Borough of Hightstown and its residents as a volunteer E.M.T. with the Hightstown First Aid Squad.

Presented this 21<sup>st</sup> day of November, 2011

Mayor Kirson then noted that the Firemen were out fighting a fire at present and it is hoped that they will be able to present the Fireman of the Year proclamation later in the meeting.

Councilmember Woods then read a statement from Councilmember Gilmartin congratulating the volunteers for their accomplishments.

The Mayor recognized Councilmember Doran's attendance at the dais advising that she was sworn-in prior to going into executive session and that he is looking forward to working with her on Council. He also recognized Mercer County Freeholder Ann Cannon who was present at the meeting.

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

Norman Billings, 245 Stockton Street – opposed the Lights on the Square monument lighting.

Lawrence (Whitey) Jones, 148 Stockton Street – opposed the Lights on the Square monument lighting and noted that the issue with water in his basement has still not been resolved.

George Serrano, 4 Westerlea Avenue – noted that it was an honor and privilege to run against Ms. Doran in the election and he congratulated her on winning; he wished everyone a Happy Thanksgiving.

Frank Bon Tempo, 114 Park Avenue – opposed the Lights on the Square monument lighting, but felt blue or white lights would be alright.

Rick Pratt, 214 Stockton Street – opposed the Lights on the Square monument lighting noting the media accounts and blog comments; he also feels Council circumvented the HPC in the decision-making.

Joan McGee, Stonybrook Watershed Commission – thanked Council for the introduction of the ordinance that is on tonight’s agenda.

Barbara Jones, 215 Greeley Street – as Environmental Commission Chairperson, she thanked the Council for introducing the ordinance that is on tonight’s agenda.

Eugene Sarafin, 628 South Main Street – he noted articles presently in the media regarding a new Councilperson, a student’s shirt and the decorating of the monument. He feels the monument has brought recognition to Hightstown and that our present government for the country is nauseating.

Rob Thibault, 504 South Main Street – congratulated Gail Doran and thanked Mike Vanderbeck.

Councilmember McGinty addressed the public regarding the Lights on the Square, noting other memorial celebrations and decorations and that this is an issue of a personality conflict between two people rather than an opposition to the event.

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

The Mayor then read the Fireman of the Year Proclamation and presented it to Gary Evers. The Mayor and Council thanked Mr. Evers and congratulated him on a job well done.

BOROUGH OF HIGHTSTOWN

**Proclamation**

2010 Firefighter of the Year – Gary Evers

*Whereas, Gary Evers is performing a valuable service to the residents of Hightstown by serving as a devoted, reliable and hard-working volunteer member of Hightstown Engine Company No. 1; and*

*Whereas, Mr. Evers has consistently demonstrated a high level of professionalism, and when called upon, accomplishes every task he is asked to perform; and*

*Whereas, Mr. Evers’ service as a volunteer firefighter has greatly benefited the Borough of Hightstown for 19 years, and his knowledge and skill has helped our Fire Department advance confidently into the future; and*

*Whereas, he has served as Lieutenant, Captain and Assistant Chief as well as Auditor and Treasurer of Hightstown Engine Company No. 1; and*

*Whereas, Mr. Evers has been honored by Hightstown Engine Co. No. 1 as 2010 Firefighter of the Year;*

*Now, Therefore, Be It Proclaimed by the Mayor and Council of the Borough of Hightstown that **Gary Evers**, having been chosen by Hightstown Engine Co. No. 1 for this award, is hereby recognized as **2010 Firefighter of the Year**, and is thanked and commended for his bravery, commitment and dedicated service to the Borough of Hightstown and the surrounding community.*

Presented this 21<sup>st</sup> day of November, 2011

**Ordinance 2011-13 First Reading and Introduction:** An Ordinance Amending and Supplementing Chapter 25-1 et seq. Entitled “Stormwater Control”, and Section 26-9 Entitled “Subdivision, Site Plan, Variance and Sign Variance Checklists for Development Applications Filed Pursuant to Hightstown Development Regulations,” of the “Revised Ordinances of the Borough of Hightstown, New Jersey”

Borough Administrator Theokas reminded Council that this ordinance must go before the Planning Board prior to adoption by Council.

Council President Quattrone moved Ordinance 2011-13 for introduction, Councilmember McGinty seconded.

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

Ordinance introduced, 5-0; Public Hearing December 19, 2011.

**Ordinance 2011- 13**

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

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 25-1, ET. SEQ. ENTITLED “ STORMWATER CONTROL” AND SECTION 26-9 ENTITLED “SUBDIVISION, SITE PLAN, VARIANCE AND SIGN VARIANCE CHECKLISTS FOR DEVELOPMENT APPLICATIONS FILED PURSUANT TO HIGHTSTOWN DEVELOPMENT REGULATIONS”

OF THE “REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN, NEW JERSEY.”

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY, that the following amendments are hereby adopted to provide improved Stormwater Control within Hightstown Borough: (~~Strikethroughs are deletions of original text.~~ **Bold and underlined text is new.**)

**SECTION ONE: Purpose**

Hightstown Borough seeks to improve its Municipal Stormwater Control ordinance, which is required under the Municipal Land Use Law (NJSA 40:55D-93), to better achieve its Master Plan goals to protect the life, health, safety, and property of its residents. The Borough needs additional protections to achieve the objectives of its Stormwater Master Plan, which include: reducing flood damage (including damage to life and property); minimizing stormwater runoff from new land disturbance that will aggravate flood damage; reducing soil erosion from new development and redevelopment; assuring the safety and adequacy of culverts and bridges; inducing (focus on the material changes. I don't see this as a point worth fighting) water recharge wherever possible; preventing nonpoint pollution wherever possible; maintaining the integrity of stream channels; and minimizing public safety hazards from stormwater detention facilities. These objectives continue to be of paramount importance to Hightstown residents because of the increased intensity and frequency of storm events, which continue to negatively affect the Borough and pose threats to life and property.

In addition, Hightstown's Municipal Master Plan and 2005 Reexamination Report continue to promote viable commercial facilities, a mixed use downtown, economic development, and a vibrant historic district. These goals will not be met if the downtown area continues to flood, suffer from pollution, and have repeated damage to structures and interrupted business activity. Better management of stormwater will assist in the protection of all residents, their property, and the continued economic viability of the Borough.

**SECTION TWO:** Amend Section 25-1, **Scope and Purpose**, as follows:

C. Applicability

1. This ordinance shall be applicable to all **construction permits**, site plans, and subdivisions ~~for the following major developments that require preliminary or final site plan or subdivision review~~ that meet the definition of “major development,” except those developments that are pre-empted by the New Jersey Residential Site Improvement Standards.
2. This ordinance shall also be applicable to all major developments undertaken by the Borough of Hightstown **and other governmental entities.**

**SECTION THREE:** Amend Section 25-2, **Definitions**, as follows:

“Major Development” means any development that provides for ultimately disturbing ~~one or more acres of land~~ **1,000 square feet of soil, or the construction or redevelopment of 250 square feet or more of impervious surface of any type.**

Disturbance for the purpose of this rule is the placement **or replacement/redevelopment** of impervious surface; exposure and/or movement of soil or bedrock; or clearing, cutting, or removing of vegetation.

**SECTION FOUR:** Amend 25-4 (C), **Stormwater Management Requirements for Major Development**, as follows:

- C. The following linear development projects are exempt from stormwater runoff quantity and quality requirements of Sections 4.F and 4.G:

1. The construction of an underground utility line, provided that the disturbed areas are revegetated upon completion;
2. The construction of an above ground utility line provided that the existing conditions are maintained to the maximum extent ~~practicable~~ **possible**; and **or**
3. The construction of a public pedestrian access, such as a sidewalk or trail with a maximum width of ~~14~~ **fourteen 6 (six)** feet, provided that the access is made of permeable material, **or provided that an access made of impervious material occurs solely as a replacement for existing material and no permeable material is practical for this use;**

**SECTION FIVE:** Amend Section 26-9-1, **Checklist for Subdivisions**, to add a new section 26-9-14 (h), as follows:

14. Stormwater Management Submission, including the following in accordance with Section 25-9 of the Revised General Ordinances of the Borough of Hightstown:

.....  
**h. A Plan incorporating as many non-structural stormwater management measures as can feasibly be accommodated on the site, including but not limited to rain gardens, pervious pavement, rain barrels, native vegetative swales, and the required non-structural stormwater management strategies incorporated at N.J.A.C. 7:9-5.9(a)1., and an explanation as to why additional non-structural measures could not be used**

**SECTION SIX:** Amend Section 26-9-1(c), **Requirements for Minor Subdivision**, to add the following to 26-9-1(c) 18:

18. Provisions for collecting and discharging stormwater runoff. A composite grading and drainage plan of the entire development shall accompany each submission. This plan shall identify finished floor elevations, all high and low points, breaks in grade, and tentative elevation at the corners of the house locations on each lot. **The plan shall incorporate as many non-structural stormwater management measures as can feasibly be accommodated on the site, including but not limited to rain gardens, pervious pavement, rain barrels, native vegetative swales, and the required non-structural stormwater management strategies incorporated at N.J.A.C. 7:9-5.9(a)1 and an explanation as to why additional non-structural measures could not be used.**

**SECTION SEVEN:** Add a new section 26-9-2(a)29(h), **Checklist for Site Plans**, as follows:

29. Stormwater Management Submission, including the following in accordance with Section 25-9 of the Revised General Ordinances of the Borough of Hightstown:

.....  
**h. A Plan incorporating as many non-structural stormwater management measures as can feasibly be accommodated on the site, including but not limited to rain gardens, pervious pavement, rain barrels, native vegetative swales, and the required non-structural stormwater management strategies incorporated at N.J.A.C. 7:9-5.9(a)1., and an explanation as to why additional non-structural measures could not be used.**

**SECTION EIGHT:** Add a new section 26-9-3(a) 11, **Checklist for Variances**, as follows:

**11. A stormwater management plan incorporating as many non-structural stormwater management measures as can feasibly be accommodated on the site, including but not limited to rain gardens, pervious pavement, rain barrels, native vegetative swales, and the required non-structural stormwater management strategies incorporated at N.J.A.C. 7:9-5.9(a)1., and an explanation as to why additional non-structural measures could not be used, and subject to the review and approval by the Borough Engineer.**

**SECTION NINE :** Severability

The provisions of this Ordinance are severable, and the invalidity of any section, subdivision, paragraph or other wording in this Ordinance shall not affect the validity or effectiveness of the remainder of this Ordinance.

**SECTION TEN :** Effective Date

This Ordinance shall take effect upon compliance with procedures prescribed by law, including NJSA 40:55D-97 of the Municipal Land Use Law (Submission of plan and ordinances to appropriate county body for approval).

**Ordinance 2011-14 First Reading and Introduction – An Ordinance to Establish a Salary Range for Police Director of the Borough of Hightstown, New Jersey”**

Borough Administrator, Michael Theokas, gave a review of the schedule proposed for the new Police Director and noted that the salary range covers a full-time position. The Borough Attorney, Mr. Raffetto, advised that the agreement will cover the details of the duties, hours and salary for the position. There was discussion regarding the needs of the Borough.

Council President Quattrone moved ordinance 2011-14 for introduction, Councilmember McGinty seconded.

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

Ordinance introduced, 5-0; Public Hearing December 5, 2011.

Ordinance 2011-14

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

**AN ORDINANCE TO ESTABLISH A SALARY RANGE FOR POLICE DIRECTOR 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:
Police Director	\$50,000.00	\$85,000.00

**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, 2012.

**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 2011-277 Payment of Bills**

Councilmember Woods requested that Item E0577 be voted on separately as she works for the School District and this is for the payment of school taxes.

Councilmember Bibens asked that the Manual Bills List be voted on separately since she is the Co-Chair for the Harvest Fair.

Councilmember McGinty noted that item E0022 is for ammo lost to Hurricane Irene; the Police should have been more prepared for the disaster by putting the ammo in trash bags to protect it from damage.

Council President Quattrone moved resolution 2011-277 without item E0577 and the Manual Bills List, Councilmember Woods seconded.

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

Councilmember Woods moved the Manual Bills List for payment, Council President Quattrone seconded.

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

Councilmember Bibens moved Item E0577 for payment, Councilmember McGinty seconded.

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

Resolution adopted, 3-0 with two abstentions.

Resolution 2011-277

*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       \$           1,005,893.47           from the following accounts

Current	\$ 939,385.43
W/S Operating	44,374.45
General Capital	
Water/Sewer Capital	
Grant	
Trust	8,296.89
Housing Trust	
Animal Control	
Law Enforcement Trust	5,784.00
Housing Rehab Loans	-
Unemployment Trust	492.20
Escrow	7,560.50
Total	<u><u>\$ 1,005,893.47</u></u>

**Resolution 2011-278 Authorizing the Implementation of a Flexible Spending Account and Voluntary Benefits Effective January 1, 2012**

Council President Quattrone member moved resolution 2011-278, Councilmember Woods seconded.

The Borough Clerk gave an explanation of the need for the resolution.

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

Resolution adopted, 5-0.

Resolution 2011-278

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

**AUTHORIZING THE IMPLEMENTATION OF A FLEXIBLE  
SPENDING ACCOUNT AND VOLUNTARY BENEFITS EFFECTIVE  
JANUARY 1, 2012**

**WHEREAS**, PL 2011, c. 78, was adopted on June 28, 2011 and provides for major reform for pension and health benefits for public workers in the State of NJ; and

**WHEREAS**, this law now requires the Borough of Hightstown to provide employees with a Section 125 flexible spending account; and

**WHEREAS**, the flexible spending account allows an employee to voluntarily set aside a portion of their earnings to pay for qualified medical expenses and dependent care; and

**WHEREAS**, it has been determined that AFLAC can provide this plan at no cost to the Borough.



**NOW, THEREFORE BE IT RESOLVED** that the Borough Clerk and/or Borough Administrator and Chief Financial Officer are hereby authorized to implement the flexible spending accounts and voluntary benefits with AFLAC effective January 1, 2012 and to prepare and sign all necessary Section 125 Plan documents.

**Resolution 2011-279 Amending Resolution 2011-266**

Councilmember Woods moved resolution 2011-279, Councilmember McGinty seconded.

The Borough Attorney reviewed the resolution and advised that he recommends two ten-year renewal options in the lease when it is bid.

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

Resolution adopted, 4-0, with one abstention.

Resolution 2011-279

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

**AMENDING RESOLUTION 2011-266**

**WHEREAS**, Resolution 2011-266 which was adopted by the Borough Council at their meeting of November 7, 2011 authorized the advertisement of bids for a lease of certain Borough-owned property located at Block 7, Lot 41 (Route 130) on the Hightstown Borough Tax Map to a third party; and

**WHEREAS**, said authorization intended that, upon the expiration of the initial tenancy, the parties shall have the option to renew the lease term for an additional ten (10) year period, at a negotiated rate, and with a set annual escalation rate also to be determined by the parties; and

**WHEREAS**, it is the recommendation of the Borough Attorney that the renewal option be amended to include two (2) additional ten (10) year periods, at a negotiated rate, and with a set annual escalation rate also to be determined by the parties at each renewal; and

**WHEREAS**, the Borough Council finds that amending the renewal option to include two (2) additional ten (10) year periods would be in the best interest of Hightstown Borough.

**BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the authorization in resolution 2011-266 to advertise bids for a lease of certain Borough-owned property located at Block 7, Lot 41 (Route 130) on the Hightstown Borough Tax Map to a third party is hereby amended to include two (2) additional ten (10) year periods, at a negotiated rate, and with a set annual escalation rate also to be determined by the parties at each renewal.

**Resolution 2011-280 Authorizing the Transfer of Funds in the 2011 Budget**

Council President Quattrone moved resolution 2011-280, Councilmember Woods seconded.

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

Resolution adopted, 5-0.

Resolution 2011-280

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

**AUTHORIZING A TRANSFER OF FUNDS IN THE 2011 BUDGET**

**Whereas**, N.J.S.A. 40A:4-58 provides that the governing body may authorize a transfer of funds in the budget during the last two months of the fiscal year.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the following transfers in the 2011 budget are hereby authorized:

<b>Current:</b>	<b><u>From</u></b>	<b><u>To</u></b>
<b>Building and Grounds</b>		
Other Expense	\$ 5,000.00	
<b>Vehicle Maintenance</b>		
Other Expense		\$ 5,000.00
<b>TOTALS</b>	<b>\$ 5,000.00</b>	<b>\$ 5,000.00</b>

**Resolution 2011-281 Authorizing the Issuance of an Auction License – Empire Auctions**

Councilmember Bibens moved resolution 2011-281, Councilmember Doran seconded.

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

Resolution adopted, 5-0.

Resolution 2011-281

*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, December 17, 2011 (rain date of January 8, 2012) 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 Acting Police Director; 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, December 17, 2011 (rain date of January 8, 2012) at 278 Monmouth Street.

**Hurricane Recovery Update**

Mr. Theokas gave an update regarding Hurricane Irene recovery and noted that the Borough has filed claims with FEMA and meetings will begin next week with the Department Heads; regarding Borough-owned properties he advised that an evaluation will be done to determine the future use of the properties. He went on to note that many replacement items

have been ordered and that the Borough Hall offices are still located at the Public Works facility. The Staff recognizes that the scope of decisions that need to be made are larger than the inconvenience they are enduring and he commended the Staff on their patience and great job. The bills list paid tonight contained 17 days worth of water as supplied by East Windsor; he thanked East Windsor for their assistance.

Mr. Theokas then advised that the repair of the Route 33 (Main Street) bridge over Rocky Brook has been postponed until the spring because the project must be bid by the state before it can proceed; the project will take approximately six to eight months to complete once it begins. There was discussion.

### **Code Enforcement Update**

Councilmember McGinty commented regarding the Municipal Court update that she has provided to Council in the packets; and noted that the new Liaison should update it regularly for Council after her departure. She continued that there is a need to evaluate court expenses and recommends that the court should be a shared service. Mr. Theokas stated that he and the Borough Attorney are still working on the ordinances regarding sump pump discharge, parking of commercial vehicles on private property and satellite dishes.

### **Senior Citizen Taxes**

Councilmember Woods lead the discussion by advising that she and Councilmember Bibens are looking at ways to reduce property taxes for Senior Citizens. She then distributed information pertaining to a "Tax Work-off Program" that is currently in use in the state of Massachusetts, noting that there would be a set amount and hours for each participant in the program. Councilmember Bibens noted that 9.6% of Hightstown's population is Senior Citizens and this program has a lot of potential for those on fixed incomes. Councilmember Woods then gave an example of how the program would work; seniors could sign up to do work for the Borough at a set hourly rate, which would then be deducted from their property tax bill. They would still have to pay income tax on the income, but would not receive a check, just the deduction from their property taxes.

There was discussion regarding liability using Senior Citizens for Borough work, the paperwork entailed and the potential duties the Borough would have available for them to perform. The Mayor suggested that a more detailed plan be brought forward and that the Borough and Labor Attorneys be consulted regarding the liability issue.

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

Eugene Sarafin – 628 S. Main Street – noted that the Borough should advertise in the paper for volunteers and should ask the HPC members to re-consider their resignations. He wished everyone a Happy Thanksgiving.

Rob Thibault, 504 S. Main Street – commented that a Hurricane-Irene post analysis should be started to keep taxes down in the future.

Rick Pratt, 214 Stockton Street – advised that the HPC got a packet from NJDOT regarding the bridge and he will forward it to the new Commissioners; he refuted Councilmember McGinty's comments that the Lights on the Square controversy is a personality issue.

Norman Billings, 245 Stockton Street – commented regarding the Lights on the Square and that the seed put on his lawn was weedy and inquired why they did not get sod when the Stockton Street project was done.

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

### **Mayor/Council/Administrative Comments**

Councilmember Doran – stated that she had a very nice swearing-in ceremony and apologized to the public for having it prior to the executive session, but she wanted to participate in the executive session; she commented that she is looking forward to the Lights on the Square event.

Councilmember Bibens – thanked the proclamation recipients for all of their hard work and noted that she believes events like the Lights on the Square bring the community together; she went on to remind the public that Council members are residents too.

Councilmember McGinty– commended Councilmember Vanderbeck for his service to the community and welcomed Councilmember Doran; she noted that Assemblyman Wayne DeAngelo was here to assist with Councilmember Doran’s swearing-in and County Freeholder Ann Cannon stayed for the entire meeting, she thanked them both. She went on to comment that the monument issues should not have happened this way and that residents are participating in the event. She continued that she hopes the Police Commissioner gives updates on police overtime and that the post-incident analysis is a good idea. She is leaving at the end of December, but looks forward to attending the Council meetings. Councilmember McGinty then commented that Mr. Theokas’ summaries before the meetings are of great benefit and she looks forward to the Santa parade and monument lighting events.

Councilmember Woods – welcomed Councilmember Doran and advised that the Taxi License sub-committee is working on a draft ordinance, noting the criteria required by the newly adopted legislation on the matter. She continued that she is looking forward to the upcoming festivities.

Council President Quattrone – advised that he has some information for Councilmember McGinty, and he will be distributing it to all Council members. He welcomed Councilmember Doran and recognized the Police, Fire and First Aid. He went on to state that he likes the Senior Citizen tax reduction concept. Council President Quattrone then noted that he attended the League Conference in Atlantic City and Hightstown is well-known; he went on to advise that Police overtime is being watched closely.

Mayor Kirson – congratulated the Borough Engineer on winning Second Place Streetscape Award for the Stockton Street Project. He then noted that a re-assessment of the Borough would cost about \$60,000.00 and the Borough should wait to see where real estate goes; it may be beneficial to consider doing again; he is monitoring the situation. He advised that the Police overtime is currently under budget and a post-incident analysis is being done with FEMA guidance and participation. Council did not complete their discussion in this evening’s executive session and he suggested that a meeting be held next Monday at 6:30pm to continue the discussion. The Mayor then noted that the Borough has approximately \$400,000.00 in COAH at the State and the Borough Attorney reviewed the required use or loss of the funds. The Mayor stated that he will speak with the Planning Board and Council to form a committee on the subject.

There was discussion and the Borough Clerk was instructed to notice and prepare a meeting for next Monday, November 21, 2011 at 6:30pm for Council to go into executive session to complete their unfinished business from this evening’s closed meeting.

Councilmember Woods motioned to adjourn at 10:00 pm, Councilmember Bibens seconded; the motion was approved unanimously.

Respectfully Submitted,

Debra L. Sopronyi  
Borough Clerk