

**Meeting Minutes**  
**Hightstown Borough Council**  
**Regular Meeting**  
**October 15, 2012**  
**6:30 pm**

The meeting was called to order by Mayor Kirson at 6:30 pm and he read the Open Public Meetings Act statement which stated, "Adequate notice of this meeting has been given in accordance with the Open Public Meetings Act, pursuant to Public Law 1975, Chapter 231. Said notice was sent to the *Trenton Times* and the *Windsor-Hights Herald*, and is posted in the Borough Clerk's office."

The flag salute followed Roll Call.

	PRESENT	ABSENT
<i>Councilmember Bibens</i>	✓	
<i>Councilmember Bluth</i>	✓	
<i>Councilmember Doran</i>	✓	
<i>Councilmember Quattrone</i>	✓	
<i>Councilmember Thibault</i>	✓	
<i>Councilmember Woods</i>	✓	
<i>Mayor Kirson</i>	✓	

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

**Resolution 2012-243 Authorizing a Meeting Which Excludes the Public**

Council President Quattrone moved resolution 2012-243, Councilmember Bibens seconded.

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

Resolution adopted, 6-0

Resolution 2012-243

*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 October 15, 2012 at approximately 6:30 pm in the First Aid Building located on Bank Street, Hightstown that will be limited only to consideration of an item or items with respect to which the public may be excluded pursuant to section 7b of the Open Public Meetings Act.

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

Litigation Update – Thibault

Litigation – Gomez

Contract Negotiations – Hearing Officer Services

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: January 15, 2012 or when the need for confidentiality no longer exists. The public is excluded from said meeting, and further notice is dispensed with, all in accordance with sections 8 and 4a of the Open Public Meetings Act.

The public meeting was called to order by Mayor Kirson at 7:31 pm and he again read the Open Public Meetings Act statement.

The Flag Salute followed Roll Call.

George Lang, CFO; James LeTellier, Police Director; and Carmela Roberts, Borough Engineer joined the meeting at this time.

Council President Quattrone moved the agenda for approval, Councilmember Bibens seconded.

Councilmember Woods moved the agenda with the addition of resolution 2012-252, Councilmember Doran seconded.

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

Agenda approved as amended.

Mayor Kirson welcomed the new Police Officers and noted that Hightstown Borough is fortunate that they are joining the department. The Mayor then swore in Officer Philip Esposito, Officer Kenneth Larson and Officer Ronald Stephensen. Council President/Police Commissioner Quattrone presented each with their badge after they took their oath and the remainder of Council welcomed and congratulated them.

Mayor Kirson then thanked the police for putting in long hours during the staff shortage and wished the new Officers a long and successful law enforcement career. Police Director LeTellier thanked Council and the PBA for assuring the safety of the residents by coming to an agreement for the new hires; and thanked Officers Krupa and Jiminez for their assistance in the process. He went on to state that he believes these officers will bring pride to Hightstown Borough.

The Mayor called a ten minute recess at this time.

**Resolution 2012-244 Authorizing Payment #2 – Liberty Construction & Development, Inc. (Water Treatment Filter Project)**

Councilmember Bibens moved resolution 2012-244, Council President Quattrone seconded.

The Borough Engineer advised that the pilings to support the building and tank should be done on Wednesday and the tank is currently being fabricated; delivery is expected in late November or early December.

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

Resolution adopted 6-0.

Resolution 2012-244

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

**AUTHORIZING PAYMENT #2 TO LIBERTY CONSTRUCTION & DEVELOPMENT, INC.  
(WATER TREATMENT PLANT FILTER)**

**WHEREAS**, resolution 2012-114 adopted on April 16, 2012 awarded the contract for the Water Treatment Filter to Liberty Construction & Development, Inc. of Belle Mead, New Jersey in the amount of \$497,000.00; and

**WHEREAS**, the contractor has submitted payment request #2 for work related to mobilization, safety setup, engineering layout and shop drawing review, and site demo and protection in the total amount of \$25,382.00; and

**WHEREAS**, the Borough Engineer has recommended approval of payment #2 to Liberty Construction & Development, Inc  
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in the amount of \$25,382.00; and

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

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

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that Payment Request No. 2 from Liberty Construction & Development, Inc. of Belle Mead, New Jersey in the amount of \$25,382.00 is hereby approved as detailed herein, and the Treasurer is authorized to issue same.

**Resolution 2012-245 Authorizing Payment #1 – MBE Mark III Electrical, Inc. (Bar Screen Upgrade)**

Councilmember Bibens moved resolution 2012-245, Councilmember Doran seconded.

The Borough Engineer advised that the bar screen is installed and operational, only the punch list items are to yet be taken care of, it is working well.

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

Resolution adopted 6-0.

Resolution 2012-245

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

**AUTHORIZING PAYMENT #1 TO MBE MARK III ELECTRICAL, INC. (BAR SCREEN UPGRADE)**

**WHEREAS**, on February 6, 2012, the Borough Council awarded a contract for the Bar Screen Upgrade Project to MBE Mark III Electrical, Inc. of Madison, New Jersey in the amount of \$204,000.00; and,

**WHEREAS**, resolution 2012-158 authorized change order #1 to raise the new Screening Washer Compactor resulting in a change order in the amount of \$3,313.00 in addition to the awarded contract resulting in a revised contract amount of \$207,313.00; and

**WHEREAS**, the contractor has submitted payment request #1 for work done in the total amount of \$201,598.74; and

**WHEREAS**, the Borough Engineer has recommended approval of payment #1 to MBE Mark III Electrical, Inc. in the amount of \$201,598.74; and

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

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

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that Payment Request No. 1 from MBE Mark III Electrical, Inc. of Madison, New Jersey in the amount of \$201,598.74 is hereby approved as detailed herein, and the Treasurer is authorized to issue same.

**Resolution 2012-246 Authorizing Payment #1 – Coppola Services, Inc. (Sludge Rotary Press)**

Council President Quattrone moved resolution 2012-246, Councilmember Bibens seconded.

The Borough Engineer advised that all equipment has been ordered and it should be installed over the next two to three weeks, making it operational by mid-November; she will advertise for cake sludge removal and chemicals soon. In the meanwhile, temporary arrangements for the cake removal are in place.

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Mr. Theokas invited the Council members to go to the Waste Water Treatment Plant and see the equipment, it is impressive.

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

Resolution adopted 6-0.

Resolution 2012-246

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

**AUTHORIZING PAYMENT #1 TO COPPOLA SERVICES, INC. (SLUDGE ROTARY PRESS)**

**WHEREAS**, on February 6, 2012, the Borough Council awarded a contract for the Sludge Rotary Press Project to Coppola Services, Inc. of Ringwood, New Jersey in the amount of \$395,328.00; and,

**WHEREAS**, the contractor has submitted payment request #1 for work done in the total amount of \$325,288.46; and

**WHEREAS**, the Borough Engineer has recommended approval of payment #1 to Coppola Services, Inc. in the amount of \$325,288.46; and

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

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

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that Payment Request No. 1 from Coppola Services, Inc. of Ringwood, New Jersey in the amount of \$325,288.46 is hereby approved as detailed herein, and the Treasurer is authorized to issue same.

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

Eugene Sarafin, 628 S. Main Street, 305 Stockton Street – commented that the Borough should charge for tours of the plant, you have made great decisions regarding the upgrades; voiced presidential election concerns; promoted universal healthcare; spoke regarding environmental concerns.

Pat Duncan, 158 Grant Avenue and Parks and Recreation Commission Chair – commented that the Triathlon was a big success and they raised approximately \$15,000; he thanked the Police, Fire Police, First Aid, Public Works, Borough Clerk and other employees and volunteers of the Borough.

J. P. Gibbons, 602 N. Main Street – noted that he is disappointed and appalled at the Planning Board reaction to Council's decision regarding the placement of Borough Hall; Resolution 2012-250 language and goals are positive, but the timing is not right; the resolution rejecting the Greenway Walking Bridge bid is of concern; he hopes the Hurricane Irene update clarifies differences in media reports.

Keith LePrevost, 213 Greeley Street – explained that the Environmental Commission has worked very hard for their Sustainable Jersey certification and resolution 2012-250 is one of the final steps to completion, there is nothing sinister in it; the Environmental Resource Inventory is on the website and valuable, Council should read it; it is a good document to give the Planning Board direction.

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

**Resolution 2012-247 Payment of Bills**

Councilmember Woods requested that item P0114 be pulled from the bills list and voted separately; Councilmember Thibault requested that item M0265 also be pulled for a separate vote.

Council President Quattrone moved Resolution 2012-247 without items P0114 and M0265, Councilmember Bibens  
October 15, 2012

seconded.

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

Council President Quattrone moved item M0265 for payment, Councilmember Bibens seconded.

Councilmember Thibault inquired as to why the Borough was making payment to the PBA Attorney. Mr. Theokas responded that it was for the grievance settlement regarding the hiring of the new officers. Councilmember Thibault inquired of the Borough Attorney as to whether this was acceptable and/or legal, to which he reminded Councilmember Thibault he had abstained from participating in police matters in the past and recommended that he continue to do so. Councilmember Thibault noted that he wants to assure that the public is aware of their tax dollars paying this bill. Police Director LeTellier noted that the PBA was very cooperative and the agreement saved the Borough \$6,000 per officer and he recommended that this bill be paid. Councilmember Thibault said he would be abstaining from voting on the matter but does not agree that the Borough should pay this bill.

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

Councilmember Woods moved item P0114 for payment, Councilmember Bibens seconded.

Councilmember Woods inquired as to exactly what services this payment covers. Mr. Theokas advised that it was paying pursuant to the invoice. He noted that he could get a more detailed invoice, but Perez and Radosti have done a lot of work since Hurricane Irene. Councilmember Woods requested an accounting of exactly how many hours were spent on what. There was discussion regarding possible reimbursement from FEMA and the insurance for this invoice.

Councilmember Doran moved item P0114 be tabled until a more detailed invoice could be received, Councilmember Thibault seconded.

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

Resolution adopted without the payment of item P0114, 5-0 with one abstention.

Resolution 2012-247

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

**AUTHORIZING PAYMENT OF BILLS**

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

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the bills be paid on audit and approval of the Borough Administrator, appropriate Department Head and the Treasurer in the amount of \$63,168.41 from the following accounts

Current	\$	25,099.51
W/S Operating		30,433.53
General Capital		
Water/Sewer Capital		
Grant		785.00

Trust	1,015.37
Housing Trust	
Animal Control	
Law Enforcement Trust	
Housing Rehab Loans	
Unemployment Trust	
Escrow	5,835.00
Federal Forfeiture	
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Total	<u><u>\$ 63,168.41</u></u>

**Resolution 2012-248 Authorizing a Third Extension of a Temporary Use and Occupancy Agreement Concerning the Borough's Continued Use of a Portion of the Property Known and Designated as Block 61.01, Lots 43, 44 & 45, Commonly Known as 415 Mercer Street, Hightstown, New Jersey**

Council President Quattrone moved Resolution 2012-248, Councilmember Bibens seconded.

There was discussion regarding the name on the lease being changed to 1<sup>st</sup> Constellation Bank.

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

Resolution adopted 6-0.

Resolution 2012-248

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

**RESOLUTION AUTHORIZING A THIRD EXTENSION OF A TEMPORARY USE AND OCCUPANCY AGREEMENT CONCERNING THE BOROUGH'S CONTINUED USE OF A PORTION OF THE PROPERTY KNOWN AND DESIGNATED AS BLOCK 61.01, LOTS 43, 44 & 45, COMMONLY KNOWN AS 415 MERCER STREET, HIGHTSTOWN, NEW JERSEY.**

**WHEREAS**, the Hightstown Borough Governing Body has previously adopted Resolutions which have authorized the Borough of Hightstown (the "Borough") to enter into a Temporary Use and Occupancy Agreement (the "Agreement") regarding the Borough's temporary use of a portion of the premises located at 415 Mercer Street in the Borough, commonly known and designated as Block 61.01, Lots 43, 44 and 45 on the Borough's Tax Map (hereinafter referenced as the "Property"), for the relocation of the Borough's Police Department offices; and

**WHEREAS**, the initial Agreement (which was executed on or about September 6, 2011) was intended to endure for a period of no longer than sixty (60) days, with the parties having the right to extend such temporary period by written mutual consent on a month to month basis thereafter; and

**WHEREAS**, the Agreement has been extended on two (2) prior occasions, each providing for an additional period of six (6) months; and

**WHEREAS**, the most recent extension shall expire on November 5, 2012; and

**WHEREAS**, 1<sup>st</sup> Constitution Bank has exercised certain rights under an Assignment of Rents and Leases on the Property, and therefore the attached "Extension of Temporary Use and Occupancy Agreement" shall be executed by the appropriate representatives of 1<sup>st</sup> Constitution Bank and the Borough, and all payments thereunder shall be made to 1<sup>st</sup> Constitution Bank;

October 15, 2012

and

**WHEREAS**, the Borough and 1<sup>st</sup> Constitution Bank wish to extend said temporary period for an additional six (6) months, or through **May 5, 2013**, as set forth in the attached "Extension of Temporary Use and Occupancy Agreement."

**NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED**, by the Mayor and Borough Council of the Borough of Hightstown that the Mayor is hereby authorized to execute and the Borough Clerk to attest the attached "Extension of Temporary Use and Occupancy Agreement" between the Borough of Hightstown and 1<sup>st</sup> Constitution Bank, so that the Borough's temporary use and occupancy of a portion of the Property (as set forth in Temporary Use and Occupancy Agreement) may endure through **May 5, 2013**.

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

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

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

**Resolution 2012-249 Rejecting all Bids for the Greenway Walking Bridge and Authorizing the Re-Bid of the Project**

Councilmember Woods moved Resolution 2012-249, Council President Quattrone seconded.

There was discussion regarding the re-bid process.

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

Resolution adopted 6-0.

Resolution 2012-249

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

**REJECTING ALL BIDS FOR GREENWAY WALKING BRIDGE AND AUTHORIZING THE RE-BID OF THE PROJECT**

**WHEREAS**, one (1) bid was received on October 3, 2012 for the Greenway Walking Bridge in Hightstown Borough; and

**WHEREAS**, the bid received exceeded the estimate and appropriation for this project and is found to be unreasonable; and

**WHEREAS**, the bids have been reviewed by the Borough Engineer and Qualified Purchasing Agent and it is the Engineer and Qualified Purchasing Agent recommendations that the bid received for this project be rejected and the project re-bid in accordance with N.J.S.A. 40A:11-13(2); and

**WHEREAS**, the Greenway Walking Bridge Committee concurs with the Engineer and Qualified Purchasing Agent recommendations; and

October 15, 2012

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Hightstown that the bid received on October 3, 2012 for the Greenway Walking Bridge in Hightstown Borough is hereby rejected and the Qualified Purchasing Agent is hereby authorized to re-bid said project.

**Resolution 2012-250 Establishing a Land Use Pledge Committing to Good, Planned and Thoughtful Land Use Decisions with the Intent of Making Hightstown Borough a Sustainable Community**

Council President Quattrone moved Resolution 2012-250, Councilmember Doran seconded.

Keith LeProvost, representing the Environmental Commission, gave a brief explanation of the resolution and noted that this is a requirement for Sustainable Jersey certification. Councilmember Thibault was concerned with the cost to taxpayers; Councilmember Doran was concerned with timing of the resolution given the current tension between Council and the Planning Board due to the Borough Hall placement; and Councilmember Woods wanted time to review resolutions from other municipalities. After further discussion it was decided that this resolution would be tabled to allow time for the Clerk to acquire additional resolutions and the Council to review same.

Councilmember Woods moved to table Resolution 2012-250, Councilmember Bluth seconded.

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

Resolution tabled 5-1.

**Resolution 2012-252 A Resolution Authorizing the Appointment of the Honorable Ira E. Kreizman, J. S. C. (Ret.), to Serve as an Independent Hearing Officer with Respect to Disciplinary Proceedings Involving the Hightstown Borough Police Department, and Authorizing the Execution of a Professional Services Contract Relating Thereto**

Council President Quattrone moved Resolution 2012-252, Councilmember Bibens seconded.

The Borough Attorney advised Councilmember Thibault that he should abstain from voting on this resolution.

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

Resolution adopted 5-0, with one abstention.

RESOLUTION 2012-252

BOROUGH OF HIGHTSTOWN  
COUNTY OF MERCER  
STATE OF NEW JERSEY

**A RESOLUTION AUTHORIZING THE APPOINTMENT OF THE HONORABLE IRA E. KREIZMAN, J.S.C. (RET.), TO SERVE AS AN INDEPENDENT HEARING OFFICER WITH RESPECT TO DISCIPLINARY PROCEEDINGS INVOLVING THE HIGHTSTOWN BOROUGH POLICE DEPARTMENT, AND AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES CONTRACT RELATING THERETO.**

**WHEREAS**, pursuant to Section 2-19.13(a) of the Hightstown Borough Code, the Borough wishes to retain the services of an independent hearing officer to preside over certain disciplinary proceedings involving the Hightstown Borough Police Department (“HTPD”); and

**WHEREAS**, the independent hearing officer shall be required to make findings of fact and conclusions of law based upon the testimony and evidence elicited at hearing(s) to be scheduled concerning such matter(s), and to make recommendations following the conclusion of said proceeding(s) to the Mayor and Council (serving as the “appropriate authority”) for a final determination based upon the record of the hearing(s); and

**WHEREAS**, the Borough wishes to appoint a licensed member of the New Jersey Bar and former member of the New Jersey Judiciary to serve as the independent hearing officer; and

**WHEREAS**, the contemplated services are considered to be “professional services” under the Local Public Contracts Law, October 15, 2012

N.J.S.A. 40A:11-1, et seq. (specifically, at N.J.S.A. 40A:11-2), because the services shall be performed by a person authorized by law to practice a recognized profession, whose practice is regulated by law, and the performance of which services requires knowledge of an advanced type in a field of learning acquired by a prolonged formal course of specialized instruction and study; and

**WHEREAS**, the contemplated services are therefore exempt from the requirement of competitive bidding per N.J.S.A. 40A:11-5(1)(a)(i); and

**WHEREAS**, the Borough, through the Borough Attorney, has solicited and received a proposal from the Honorable Ira E. Kreizman, J.S.C. (Ret.) (also referenced as the “contractor”), to serve as the independent hearing officer in such matter(s); and

**WHEREAS**, Retired Judge Kreizman has offered to perform the requested services at the rate of Two Hundred Twenty Five Dollars (\$225.00) per hour; and

**WHEREAS**, the Borough wishes to appoint Retired Judge Kreizman to serve as the hearing officer in such matter(s), and to award a professional services contract to Judge Kreizman to perform the necessary services; and

**WHEREAS**, the anticipated term of the contract is for a period not to exceed one (1) year, and the contract may only be renewed thereafter upon further action of the Borough Council; and

**WHEREAS**, though the Borough does not anticipate at this time that the value of this contract shall exceed \$17,500.00, the Borough nevertheless wishes to require that the contractor shall abide by the provisions of the State Pay-to-Play Law, N.J.S.A. 19:44A-20.4, et seq., in case the total amount of payments made hereunder should exceed that amount; and

**WHEREAS**, this contract is awarded as a restricted or “non-fair and open contract” pursuant to and in accordance with the State Pay-to-Play Law, and therefore the contractor has executed all necessary State Pay-to-Play certifications; and

**WHEREAS**, the contractor has also executed a certification which acknowledges that the contractor has complied with the Borough’s local Pay-to-Play Ordinance, and that the contractor shall continue to comply with said Ordinance during the term of the contract; and

**WHEREAS**, this Resolution and the contract shall be available for public inspection in the office of the Borough Clerk, and notice of the awarding of the contract shall be published in a newspaper of general circulation in the Borough following the adoption of this Resolution; and

**WHEREAS**, the Borough’s Chief Financial Officer has certified that adequate funding **exists for this contract**.

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

1. That the Borough hereby authorizes the appointment of the Honorable Ira E. Kreizman, J.S.C. (Ret.), to serve as an independent hearing officer to preside over disciplinary proceedings involving the HTPD. The hearing officer shall make findings of fact and conclusions of law based upon the testimony and evidence elicited at hearing(s) to be scheduled, and shall make recommendations to the Mayor and Borough Council for final action.

2. That the Mayor is hereby authorized to execute and the Borough Clerk to attest an agreement, which shall be in a form acceptable to the Borough Attorney, between the Borough of Hightstown and the Honorable Ira E. Kreizman, J.S.C. (Ret.), regarding the afore-mentioned independent hearing officer services.

3. That this agreement is awarded as a “professional services” contract in accordance with N.J.S.A. 40A:11-2 and N.J.S.A. 40A:11-5(1)(a)(i), because the services to be provided shall be performed by a person authorized by law to practice a recognized profession, whose practice is regulated by law, and the performance of which services requires knowledge of an advanced type in a field of learning acquired by a prolonged formal course of specialized instruction and study.

4. That the duration of this agreement shall be for a term not to exceed one (1) year and the agreement may only be renewed thereafter upon further action of the Borough Council.

5. That the fees to be charged by the contractor for the requested services shall be at the rate of \$225.00 per hour.

6. That the Borough's Chief Financial Officer is hereby authorized and directed to file a Certificate of Availability of sufficient funds for this contract and to attach same to this Resolution.

7. That the contractor's State and local pay-to-play certifications shall be placed on file with this Resolution.

8. That notice of the adoption of this Resolution shall be published in a newspaper of general circulation within the Borough.

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

- a. Honorable Ira E. Kreizman, J.S.C. (Ret.)
- b. Debra L. Sopronyi, Borough Clerk/Purchasing Agent
- c. Michael Theokas, Borough Administrator
- d. George Lang, Chief Financial Officer
- e. Police Director James LeTellier
- f. Frederick C. Raffetto, Esq., Borough Attorney

### **Hurricane Irene Update**

Mr. Theokas reviewed the amount received of \$848,957.21 versus the amount of \$1.4M spent and advised that further expenses are forthcoming. Insurance will pay first, then FEMA reimbursement follows after the \$500,000 deductible due on Borough Hall. Insurance has agreed to re-build Borough Hall up to code at an estimated call of \$3.5M including Engineering and Architectural fees and temporary re-location of the Administrative offices. The insurance company has indicated a willingness to discuss other options.

Councilmember Bluth was concerned with receiving written confirmation of the insurance commitment. Mr. Theokas explained that the policy is the coverage and we would partner with the insurance until the project is complete. Councilmember Thibault inquired as to how the utility plants were repaired so quickly, to which Mr. Theokas responded that they are classified differently. There was additional discussion regarding the process to move forward with Borough Hall.

### **Best Practices**

George Lang reviewed the Best Practices submission and explained the effects on state aid; the Borough has a score of 96%. There was discussion regarding budget documents and revenues anticipated in 2012 versus those realized.

The Mayor opened the public comment period II and the following individuals spoke:

Eugene Sarafin, 628 S. Main Street – commented that police cells and court are missing in Council discussion and that the Planning Board was correct in regards to a planning perspective; suggested that the Baptist Church would be a nice building and location for Borough Hall.

J P Gibbons, 602 N. Main Street – commented that the public should have access to all documents that Council has and review; inquired as to what happened to the Development Authority idea; suggested that the Board of Education reimburse the Police for their services at the school and crossing guards.

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

### **Mayor/Council/Administrative Comments and Committee Reports**

**Councilmember Thibault** – stated that he will have committee reports at the next meeting; the fair was a delightful and successful event.

**Councilmember Bluth** – congratulated the new officers on their appointments and noted that she and Councilmember Thibault will have a town hall meeting this Saturday.

**Councilmember Bibens** – noted that the swearing in of the new officers is a huge milestone for the Borough; the fair was great; the Fire Department will be coming forth with equipment replacement needs; she did not attend the Parks and Recreation meeting, but the gazebo project has begun.

**Councilmember Woods** – advised that she and Councilmember Bluth are working on shared services; she likes the Development Authority idea; she would like the architect present at the special meeting on Wednesday; receiving packets on Friday does not give Council enough time to review the information for the meeting.

**Councilmember Doran** – commented that she enjoyed the fair; she is happy with the new officers; she found the triathlon interesting; inquired about police, public works and clerk costs for events.

Mr. Theokas advised that there will be changes forthcoming in the planning of events for the coming year. There was discussion regarding the different organizations that sponsor events and their responsibility to pay all expenses associated with the event, including those of Borough staff.

**Councilmember Doran** – stated that more time is needed to review packets and that Council needs access to their mailboxes; she requested that the pages of the packet be numbered and that any document longer than one page also be page numbered; advised that the Planning Board voted not to endorse the resolution Council sent to them regarding putting Borough Hall back on its original site, with the reasoning that it is located in the 100 year flood zone.

**Council President Quattrone** – thanked the fair volunteers; commented that the triathlon was a nice event; congratulated the new police on their appointments and thanked the Police Director for a job well done.

**Mayor Kirson** – recognized the positives in the Borough such as the fair, triathlon and police appointments.

Councilmember Bibens moved to adjourn at 9:43 pm, Council President Quattrone seconded. All ayes.

Respectfully Submitted,

Debra L. Sopronyi, RMC  
Borough Clerk